

2001

ILLINOIS

REGISTER RULES OF GOVERNMENTAL AGENCIES



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Issue 29-July	14, 2000: Data Through June	30, 2000
Issue 42-October	13, 2000: Data Through September	30, 2000
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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
Issue 9	February 20*	March 2	Issue 36	August 27	September 7
Issue 10	February 26	March 9	Issue 37	September 4*	September 14
Issue 11	March 5	March 16	Issue 38	September 10	September 21
Issue 12	March 12	March 23	Issue 39	September 17	September 28
Issue 13	March 19	March 30	Issue 40	September 24	October 5
Issue 14	March 26	April 6	Issue 41	October 1	October 12
Issue 15	April 2	April 13	Issue 42	October 9*	October 19
Issue 16	April 9	April 20	Issue 43	October 15	October 26
Issue 17	April 16	April 27	Issue 44	October 22	November 2
Issue 18	April 23	May 4	Issue 45	October 29	November 9
Issue 19	April 30	May 11	Issue 46	November 5	November 16
Issue 20	May 7	May 18	Issue 47	November 13*	November 26**
Issue 21	May 14	May 25	Issue 48	November 19	November 30
Issue 22	May 21	June 1	Issue 49	November 26	December 7
Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Regional Tourism Development Organization Program
- 2) Code Citation: 14 Ill. Adm. Code 515

3) Section Numbers: Proposed Action:

515.10	New Section
515.20	New Section
515.30	New Section
515.40	New Section
515.50	New Section
515.60	New Section
515.70	New Section
515.80	New Section
515.90	New Section
515.100	New Section
515.110	New Section
515.120	New Section

- 4) Statutory Authority: Implementing and authorized by Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605/605-710].

- 5) A Complete Description of the Subjects and Issues Involved: Legislation to convert the Regional Tourism Development Organization (RTDO) Program from a contractual to a grant program was approved by the General Assembly and signed into law by the Governor. The mission of the RTDOs is to carry out DCCA's tourism goals in a regional setting. This change to a grant program will provide a much more rational process for supporting regional efforts to promote tourism and make the RTDOs much more effective partners in promoting Illinois tourism at the regional level.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do this proposed rule contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

Ms. Raya Bogard
Administrative Code Rules Manager
Department of Commerce and Community Affairs

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

100 West Randolph, Suite 3-400
Chicago, Illinois 60601
(312) 814-9593

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This change to a grant program will have a positive effect on these entities and will provide a much more rational process for supporting regional efforts to promote tourism. As the number of RTDOs increases, the grant program will provide more focused assistance and make the RTDOs much more effective partners in promoting Illinois tourism at the regional level.

B) Reporting, bookkeeping or other procedures required for compliance: The RTDOs shall submit a monthly itemized expenditure report and a monthly status report describing contacts, results and progress of development and marketing projects, as outlined in the twelve month work plan, of the regional service area.

C) Types of professional skills necessary for compliance: Knowledge and experience in tourism development, marketing, collecting research data and reporting project measurements, and other aspects of the tourism industry.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Rules is identical to the text of the Emergency Rules appearing in this issue of the Illinois Register on page 9446--

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: General Procedures2) Code Citation: 80 Ill. Adm. Code 11003) Section Numbers: Proposed Action:
1100.110 New Section4) Statutory Authority: 115 ILCS 5

5) A Complete Description of the Subjects and Issues Involved: The Administrative Procedure Act directs administrative agencies to "...provide by rule for disqualification of an administrative law judge for bias or conflict of interest" [5 ILCS 100/10-30]. The Illinois Educational Labor Relations Board does not have such a rule. Thus, this proposed amendment will satisfy the requirement of the Administrative Procedure Act by providing for a procedure for parties to move to disqualify administrative law judges on the basis of bias or conflict of interest.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested persons may submit comments, data, views or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to:

Julie Hughes
General Counsel
Illinois Educational Labor Relations Board
160 No. LaSalle Suite N-400
Chicago, Illinois 60601
(312) 793-3170

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1100

GENERAL PROCEDURES

Section

1100.10	Definitions
1100.20	Filing and Service of Documents
1100.30	Computation and Extensions of Time
1100.40	Hearing Officers
1100.50	Recording of Hearings
1100.60	Representation of Parties
1100.70	Subpoenas
1100.80	Limitation on Practice Before the Board by Former Employees
1100.90	Amicus Curiae
1100.100	Gender Usage
1100.110	Conflict of Interest

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act [115 ILCS 5].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 14 Ill. Reg. 1270, effective January 5, 1990; amended at 25 Ill. Reg. _____, effective _____.

Section 1100.110 Conflict of Interest

At any time prior to the issuance of the recommended decision and order, a party may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. The motion shall be submitted in writing to the General Counsel, with a copy to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The General Counsel may decline to disqualify the administrative law judge or appoint another administrative law judge to hear the case.

(Source: Added at 25 Ill. Reg. _____, effective _____.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 143) Section Numbers:
14.340 Proposed Action:
Amendment4) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the Section on Failure to Appear to add language to make the rule consistent with federal regulations. The amendment details time frames that are in place for requesting a new hearing.6) Will this rulemaking replace any emergency rulemaking currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
14.45	Amendment	25 Ill. Reg. 6822, 6/1/01
14.55	Amendment	25 Ill. Reg. 6822, 6/1/01

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield IL 62762
(217)785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated at the development of the January 2001 or July 2001 regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROVISIONS

PART 14

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

14.1	Purpose
14.2	Incorporation by Reference
14.5	Definitions
14.10	Initiation of an Appeal
14.11	Pre-Hearing Meeting
14.12	Review of Case Record
14.15	Notice of Hearing
14.20	Venue and Conduct of Hearings
14.21	Representation
14.22	Appellant Participation in Hearing
14.23	Evidentiary Requirements
14.30	Subpoenas
14.35	Amendment of Appeal
14.40	Consolidation of Appeals
14.45	Postponement or Continuation of Hearings
14.50	Withdrawal of Appeal
14.55	Closing of Hearing Record
14.60	Dismissal of Appeal
14.70	Final Administrative Decision
14.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

14.100	Responsible Relative and Joint Payee Petitions
14.101	Petition for Hearing
14.102	Conduct of Administrative Support Hearings

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section

14.300	Suspected Intentional Violation of the Program
14.310	Advance Notice of Administrative Disqualification Hearing
14.320	Postponement of Hearing
14.330	Administrative Disqualification Hearing Procedures
14.340	Failure to Appear
14.350	Participation While Awaiting a Hearing
14.360	Consolidation of Administrative Disqualification Hearing with Fair

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Hearing

- 14.370 Administrative Disqualification Hearing Decision and Notice of Decision
- 14.380 Appeal Procedure

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Adopted at 25 Ill. Reg. 5335, effective March 15, 2001; amended at 25 Ill. Reg. _____, effective _____.

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section 14.340 Failure to Appear

If the household member or representative cannot be located or fails to appear at the scheduled hearing without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing officer is required to consider the evidence and determine if an intentional violation of the program was committed based on clear and convincing evidence. If a determination of intentional violation of the program is made, and no proof of receipt of the scheduling notice has been obtained, the household member has 30 days after the date of the written notice of the hearing decision to request a new hearing based on a showing of non-receipt of the scheduling notice. In all other instances, the household member has 10 days after the date of the scheduled hearing to present reasons showing good cause for failure to appear. (See Section 14.60(e) for definition of good cause.) The Bureau of Assistance Hearings shall determine if the household member had good cause for not appearing and make a determination as to whether a new hearing should be scheduled.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Improper Claims Practice

- 2) Code Citation: 50 Ill. Adm. Code 919

3) Section Numbers: Proposed Action:

- 919.10 Amendment
- 919.20 Amendment
- 919.40 Amendment
- 919.50 Amendment
- 919.70 Amendment
- 919.80 Amendment

- 4) Statutory Authority: Implementing Sections 154.5 and 154.6 of the Illinois Insurance Code [215 ILCS 5/154.5 and 154.6] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], Section 10 of the Voluntary Health Services Plans Act [215 ILCS 165/10], Section 25 of the Dental Service Plan Act [215 ILCS 110/25] and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3].

- 5) A Complete Description of the Subjects and Issues Involved: As a result of the Department's participation in a multi-state market conduct examination and concerns regarding several nationwide class action lawsuits, the Illinois Department of Insurance proposes amendments to Part 919. The market conduct examination and lawsuits involve the issue of the adequacy of insurance company procedures in identifying beneficiaries under life insurance policies. Many insurance purchasers buy more than one policy from a company. The use of a name variation by the named insured during the purchase process can cause, at the insured's death, these additional policies not to be located by the insurer thereby resulting in named beneficiaries under the policy not receiving their benefits.

The amendments to Section 919.50(e) will require insurance companies to have a procedure in place that allows them to search for name variations on their insureds. These amendments will also require the insurance company to contact known beneficiaries asking for all possible names used by the deceased person in order to comply with this Part. The remaining amendments are housekeeping in nature and are being made to bring clarity and uniformity to this rulemaking.

- 6) Will these proposed amendments replace an emergency amendments currently in effect? No

- 7) Do these amendments contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Dental Service Plan Act [215 ILCS 110/25] ¶111-Rev-Stat-1987-CH-327-Par-698-25)---Section-24--of--the--Pharmaceutical-Service-Plan-Act-¶111-Rev-Stat-1987-CH-327-Par-691-24) and Section 5-3 of the Health Maintenance Organization Act [215 ILCS 125/5-3] ¶111-Rev-Stat-1987-CH-311-172-Par-1411-127, which empower the Director of Insurance ...to make reasonable rules and regulations as may be necessary for making effective... the insurance and related laws of this State.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 919.20 Scope and Purpose

a) This Part shall apply to all insurance companies authorized to transact in this State the kind or kinds of business described in Section 4, Class 1, Class 2 and Class 3 of Section 4-of the Illinois Insurance Code [215 ILCS 5/4] ¶111-Rev-Stat-1987-CH-737-Par-6167) except fidelity and surety, ocean marine and worker's compensation; to all producers licensed under Article XXXI of the Illinois Insurance Code [215 ILCS 5/Art. XXXI] ¶111-Rev-Stat-1987-CH-737-Par-949 et-seq-77--to-att-Medical-Service-Plan-Corporations; to all Voluntary Health Service Plan Corporations; to--all--Vision--Service---Plan Corporations; to all Dental Service Plan Corporations; to all Health Maintenance Organizations; and--to--all--Pharmaceutical--Service--Plan Corporations; and to any individual association, corporation, partnership, insurance company or other legal entity licensed under the Illinois Insurance Code which acts as a third party administrator. This Part shall apply to all claims handling activity occurring on or after the effective date of this Part and to all pertinent policy forms on file or hereafter filed with the Illinois Department of Insurance after the effective date of this Part.

b) The purpose of this Part is to set forth minimum standards for the investigation and disposition of claims arising under contracts and certificates issued to residents of Illinois. The provisions of the Part establish the general criteria to be used by the Director in selecting companies to be examined and the minimum standards for record keeping to be followed by the companies subject to the Part. The various provisions of the Part are intended to define procedures and practices that committed with such frequency as to indicate a general practice will ultimately be the basis for a regulatory finding of unfair claims practices.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 919.40 Definitions/Explanations

Code means the Illinois Insurance Code [215 ILCS 5].

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

"Replacement-Crash-Parts"-for-purposes-of-this-Part-means-sheet-metal or--synthetic-parts--e-g-7-plastic-fiberglass-etc-7-which-constitute the-exterior-of-a-motor-vehicle-including-inner-and-outer-panels-

"Company" refers to any licensee of the Department of Insurance including health maintenance organizations.

"Days" for the purpose of this Part, means refers-to calendar days.

Department means the Illinois Department of Insurance.

Director means the Director of the Illinois Department of Insurance.

"Documentation" shall mean all pertinent communications, transactions, notes and work papers. All such communications, transactions, notes and work papers shall be properly dated and compiled in sufficient detail in order to allow for the reconstruction of all pertinent events relative to each claim file. Documentation shall include but not be limited to bills, explanations of benefits and worksheets.

"First party" means refers to any individual, corporation, association, partnership, or other legal entity asserting a contractual right to payment under an insurance policy or insurance contract arising out of the contingency or loss covered by such policy or contract.

"Insured" shall mean, for the purposes of life, accident and health insurance or other health care or service plans, the party named on a contract as the individual, corporation or association with legal rights to the benefits provided by such contract. This includes certificate holders or subscribers to a group contract and enrollees of a health maintenance organization, any other type of health care or service plans, or third party administrator. For--for-the purposes of property and casualty insurance, the party named on the contract is the as-the-named insured.

Non-Original Manufacturer" means any manufacturer other than the manufacturer of the original part.

"Notice of Availability of the Department of Insurance" as required by this Part Rule shall be no less informative than the following:

Part 919 of the Rules of the Illinois Department of Insurance requires that our company advise you that if you wish to take this matter up with the Illinois Department of Insurance, it maintains a Consumer Division in Chicago at 100 W. Randolph Street, Suite 15-100, Chicago, Illinois 60601 and in Springfield at 320 West Washington Street, Springfield, Illinois 62767.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

"Notification of loss" shall mean communication, as required by the policy or that is otherwise acceptable by the insurer, from a claimant or insured to the insurer which identifies the claimant or insured and indicates that a loss has occurred or is about to occur.

"Pertinent communication" as used in Section 154.6(b) of the Illinois Insurance Code [215 ILCS 5/154.6(b)] ~~###Rev-Stat--1987--ch--737 per--766-6b~~ shall include all correspondence, regardless of source or type, that is materially related to the handling of the claim.

"Policy" for the purpose of this Part shall mean a policy, certificate or contract issued to Illinois residents, including a certificate of enrollment into a Health Maintenance Organization or any other type of health care or service plan.

"Private Passenger Automobile" refers to vehicles insured under a policy of automobile insurance as defined in Section 143.13 of the Illinois Insurance Code [215 ILCS 5/143.14] ~~###Rev-Stat--1987--ch--737 per--755-13~~.

"Prompt investigation" as used in Section 154.6(c) of the Illinois Insurance Code [215 ILCS 5/154.6(c)] ~~###Rev-Stat--1987--ch--737 per--766-6c~~ shall apply to all activities of the company related directly or indirectly to the determination of liability based on claims under the coverage afforded by the policy and shall be evidenced by a bonafide effort to communicate with all insureds and claimants where liability is reasonably clear within 21 working days after a notification of loss. Evidence of such bonafide effort to communicate with insureds and claimants shall be maintained in the company's claim files.

"Reasonable promptness" as used in Section 154.6(b) of the Illinois Insurance Code [215 ILCS 5/154.6(b)] ~~###Rev-Stat--1987--ch--737 per--766-6b~~ shall mean a maximum of 15 working days from receipt of communication from a claimant or insured.

Replacement Crash Parts for purposes of this Part, means sheet metal or synthetic parts, e.g., plastic, fiberglass, etc. that constitute the exterior of a motor vehicle, including inner and outer panels.

"Representative" shall include any person expressly authorized to act on behalf of the insurer and any employee of the insurer who acts or appears to act on behalf of the insurer in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.

"Settlement of claims" as used in Section 154.6(c) of the Illinois Insurance Code [215 ILCS 5/154.6(c)] ~~###Rev-Stat--1987--ch--737~~

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~~per--766-65c~~ shall pertain to all activities of the company or its representatives, relating directly or indirectly to the determination of the extent of liabilities due or potentially due under coverages afforded by the policy, evidence of such activities to be maintained in the company's claim files.

"Third party" refers to any individual, corporation, association, partnership, or other legal entity asserting a claim against any individual, corporation, partnership, or other legal entity insured under a policy.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 919.50 Required Practices for all Insurance Companies

a) The company shall affirm or deny liability on claims within a reasonable time and shall offer payment within 30 days of affirmation of liability, if the amount of the claim is determined and not in dispute. For those portions of the claim which are not in dispute and the payee is known, the company shall tender payment within said 30 days.

1) On first party claims if a settlement of a claim is less than the amount claimed, or if the claim is denied, the company shall provide to the insured a reasonable written explanation of the basis of the lower offer or denial within 30 days after the investigation and determination of liability is completed. This explanation shall clearly set forth the policy definition, limitation, exclusion or condition upon which denial was based. Notice of Availability of the Department of Insurance shall accompany this explanation.

2) Within 30 days after the initial determination of liability is made, if the claim is denied, the company shall provide the third party a reasonable written explanation of the basis of the denial.

b) No company shall deny a claim upon information obtained in a telephone conversation or personal interview with any source unless such telephone conversation or personal interview is documented in the claim file.

c) The company's standards for claims processing shall be such that notice of claim and proofs of loss submitted against one policy issued by that company shall fulfill the insured's obligation under any and all similar policies issued by that company and specifically identified by the insured to said company to the same degree that the same form would be required under any similar policy. If additional information is required to fulfill the insured's obligation under other similar policies, the company may request the additional information. When it is apparent to the company that additional

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~~subparagraphs (2) and (3) above~~ shall be considered reasonable if they exhibit a rational basis for the delay and are not frivolous.

c)

Total Loss Vehicle Claims.

When the insured vehicle has been determined a total loss, and the insurance policy provides for the adjustment and settlement of first party vehicle claims on the basis of actual cash value or replacement, the company shall establish a procedure to provide the insured with, at a minimum, the information contained in ~~the attached Section 919-Exhibit A of this Part~~ within 7 days of this determination, and shall follow one of the following methods:

1) The company may elect to replace the insured vehicle, providing that it is:

A) Comparable in that it will be by the same manufacturer, same year, similar body style, and similar options and price range as the insured vehicle and in as good or better overall condition and available for inspection at a licensed dealer within a reasonable distance of the insured's residence. The file must contain a description of the replacement vehicle, including the vehicle identification number and a schedule of options.

B) Replacement vehicles of the current model plus the 3 previous model years must be purchased through licensed dealers. This requirement may be waived in writing by the insured. The signed waiver must be maintained in the file.

C) Once the replacement vehicle is located, the insured shall be advised of the location of the vehicle and the replacement value including the applicable taxes, license and transfer fees. In the event the insured elects a cash settlement instead of such replacement vehicle, the company need pay only the amount it would have otherwise paid on the replacement vehicle. As a condition precedent to this method of settlement, the company must first offer the replacement vehicle to the insured and the insured must reject the offer. Evidence of such must be apparent in the file.

D) In the event that a replacement vehicle meeting the requirements of Section 919.80(c)(1)(A) ~~subsection (4)~~ is not available or the insured rejects a replacement vehicle or the insured wants another available vehicle substantially similar in value, the option to replace the insured vehicle may be exercised provided the company has the insured's written waiver in the claim file that the acceptance of another vehicle is of his or her own free will and choice. The company need pay only the amount it would have otherwise paid on the replacement vehicle, including the applicable taxes, and transfer fees.

2) The company may elect to pay a cash settlement. The company

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shall use one of the following methodologies to determine the market value of the insured vehicle: The cash settlement may be based upon the retail value of the vehicle as determined from one of the following sources:

A) A source or sources which are published on a regular basis, at least once every two-~~4~~ 2 months, and contain the average retail, wholesale and finance value for all makes and models for at least each of the last five-~~4~~ 5 model years as well as a listing and price for all major options; or

B) An electronically computerized source or sources which:

i) computes statistically valid retail values including all major options and equipment, and applicable allowances for mileage and condition, for at least ~~eighty-five-percent-4~~ 85% of all makes and models for at least each of the last fifteen-~~4~~ 15 model years;

ii) the retail value so generated shall be based on data from the area immediately surrounding the location where the insured vehicle was principally garaged and such value shall be based upon data compiled on at least 1.5 million passenger vehicles;

iii) compiles, maintains and provides, upon request, a record of valuations and monthly summaries of the average retail value, option value, and mileage for each general metropolitan area for the preceding ~~twenty-four-4~~ 24 month period.

C) The settlement may be based upon an electronically computerized service. Such settlement must include at least two-~~4~~ 2 currently available vehicles from licensed dealers in Illinois or two-~~4~~ 2 vehicles that have been sold by licensed dealers in Illinois, one of which was sold within the past thirty-~~4~~ 30 days and one of which was sold within the past ninety-~~4~~ 90 days. The location of the licensed dealer for each available or recently sold vehicle shall be within fifty-~~4~~ 50 miles of the general metropolitan area where the data is gathered. The name and location of the licensed dealers, as well as the vehicle identification numbers (VINS), shall be maintained in the claim file. If the electronically computerized service does not include a sufficient number of vehicles to satisfy the requirements of this subsection, the service may provide an average from at least two-~~4~~ 2 published sources that comply with Section 919.80(c)(2)(A) ~~subsection (2)(A)-above~~.

D) If the insured vehicle is not quoted in the source or sources used by the company, the company shall then base the settlement upon at least two written dealers' quotations. The company shall furnish the names and locations of the dealers used to determine the market value to the insured, and a copy of the dealers' quotations.

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- E) In Section 919.80(c)(2) **subsections** (A), (B), (C) and (D) above, the claim file shall contain documentation of how the market value of the insured automobile was determined.
- F) Right of Recourse - If within 30 days of the receipt of the claim draft, the insured cannot purchase a comparable vehicle in excess of such market value, the company will reopen its claim file and the following procedure(s) shall apply:
- i) The company may locate a comparable vehicle by the same manufacturer, same year, similar body style and similar options and price range for the insured for the market value determined by the company at the time of settlement. Any such vehicle must be available through licensed dealers; or
 - ii) The company shall either pay the insured the difference between the market value before applicable deductions and the cost of the comparable vehicle of like kind and quality which the insured has located, or negotiate and effect the purchase of this vehicle for the insured; or
 - iii) The company may elect to offer a replacement in accordance with the provisions set forth in Section 919.80 **subsection** (c)(1) **of this Section**; or
 - iv) The company may conclude the loss settlement as provided for under the appraisal section of the insurance contract in force at the time of loss. This appraisal shall be considered as binding against both parties, but shall not preclude or waive any other rights either party has under the insurance contract or at common law.
 - v) The company is not required to take action under this Section 919.80 **subsection** (c)(2)(F) if its documentation to the insured at the time of settlement included written notification of the availability and location of a specified and comparable vehicle of the same manufacturer, same year, similar body style and similar options in as good or better condition as the total loss vehicle which could have been purchased for the market value determined by the company before applicable deductions. The documentation shall include the vehicle identification number.
- 3) Provisions applicable to Section 919.80 **subsections** (c)(1) and (c)(2) **of this Section**.
- A) If a replacement vehicle is provided, the company is required to pay the applicable sales tax and transfer and title fees.
 - i) If a cash settlement is provided, and if within 30 days of the receipt of the settlement by the insured,

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- the insured has purchased or leased a vehicle, the company is required to reimburse the insured for the applicable sales taxes and transfer and title fees incurred on account of the purchase or lease of the vehicle, but not exceeding the amount payable on account of the value of the total loss vehicle. If the insured purchases or leases a vehicle with a market value less than the amount of the settlement, then the company is required to reimburse only the amount of the applicable sales tax and transfer and title fees incurred by the insured. If the insured cannot substantiate such purchase and the payment of such taxes and fees, by submission to the company of appropriate documentation within 33 days after the receipt of settlement, the company shall not be required to reimburse the insured for the sales taxes or transfer or title fees. In lieu of this reimbursement procedure, the company may directly pay the required amounts of sales taxes, and transfer and title fees to the insured at the time of settlement. With respect to leased vehicles, sales taxes and transfer and title fees shall be deemed to be incurred by the insured at the time the lease is entered into, but only if such sales taxes and transfer and title fees are included in the cost of the lease or are paid directly by the insured.
- ii) Any form required by the company for applying for the reimbursement must be furnished by the company with either the notice or at the time of settlement.
 - B) Deductions of the kind commonly referred to as "get ready to go" and "dealer prep", or dealer preparation charges are prohibited.
 - d) Practices Concerning Travel, Loss of Use, Storage/Towing and Betterment, Replacing Crash Parts and Automobile Repairs.
 - 1) Unreasonable Travel.
 - A) The company shall not require the insured or claimant to travel unreasonably to inspect a replacement vehicle, nor shall the company require the insured or claimant to locate a replacement vehicle.
 - B) The company shall not require the insured or claimant to travel unreasonably either to obtain a repair estimate or to have the vehicle repaired at a specific repair shop that is recommended by the company.
 - C) The Department will consider availability and cost consideration in determining reasonable travel requirements.
 - 2) Loss of Use. In automobile property damage liability claims in which liability is reasonably clear, the company shall pay for the reasonable and necessary costs, in direct proportion to the

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extent of its liability, incurred in the rental of another automobile provided that the loss of use claim is submitted and substantiated. In those cases where the company pays a flat rental amount per day, week or month, it must disclose to the claimant where the claimant can obtain a vehicle for the amount of its payment.

- 3) Storage and Towing. The company shall provide reasonable notice to an insured prior to termination of payment for automobile storage charges and document such notice in the claim file. Reasonable notice shall constitute sufficient notice to the insured to allow them to remove the vehicle from storage prior to the termination of payment. Unless the company has provided an insured with the name of a specific towing company prior to the insured's use of another towing company, the company shall pay any and all reasonable towing charges irrespective of the towing company used by the insured. A company shall make no advance charge deductions for storage and towing charges unless excessive charges have resulted from the insured's own actions. The company shall itemize each advance charge deduction and maintain in the claim file documentation of the reasons and dollar amounts involved in each deduction. Any determination of reasonable towing charges shall consider policy coverage as well as the cost and distances involved in each claim.

- 4) Betterment deductions are allowable only if the deductions:

- A) reflect a measurable decrease in market value attributable to the poorer condition of, or prior damage to, the insured vehicle;
 - B) are for prior wear and tear, missing parts and rust damage that is reflective of the general overall condition of the vehicle considering its age, any such deductions for this type of damage may not exceed \$500; and
 - C) are measurable, itemized, specified as to dollar amount and documented in the claim file.
- D) No company shall require the insured or claimant to supply part for replacement.

- 5) Replacement Crash Parts

- A) Purpose

The purpose of this subsection is to set forth standards for the prompt, fair and equitable settlements applicable to automobile insurance with regard to the use of replacement crash parts. It is intended to regulate the use of replacement crash parts in automobile damage repairs which insurers pay for on their insured's vehicle. It also requires that all replacement crash parts, as defined in this Section, be identified and be of the same quality as the original part.

- B) Identification
- All replacement crash parts, which are subject to this

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Section and manufactured after the effective date of this Section, shall carry sufficient permanent non-removable identification so as to identify its manufacturer. Such identification shall be accessible to the extent possible after installation.

- C) Like Kind and Quality

No insurer shall require the use of replacement crash parts in the repair of an automobile unless the replacement crash part is at least equal in like kind and quality to the original part in terms of fit, quality and performance. Insurers specifying the use of replacement crash parts shall consider the cost of any modifications which may become necessary when making the repair.

- 6) Vehicle Repairs

If partial losses are settled on the basis of a written estimate prepared by or for the company, the company shall supply upon request of the insured, a copy of the estimate upon which the settlement is based. The estimate prepared by or for the company shall be reasonable, in accordance with applicable policy provisions, and of an amount which will allow for repairs to be made in a workmanlike manner. If the insured subsequently claims, based upon a written estimate which he obtains, that necessary repairs will exceed the written estimate prepared by or for the company, the company shall review and respond promptly to the insured and provide the insured with the name of a repair shop that will make the repairs in a workmanlike manner. Failure of the company to so inform the insured of the name of such a repair shop shall require the company to provide written notice to the insured that any and all reasonable costs incurred for repair or replacement related to the partial loss in excess of the company's estimate will be reimbursed by the company. The company shall maintain documentation of all such communications.

- 7) Required Practices - Fire and Extended Coverage Claims

- A) An unreasonable delay to pay claims on policies of fire and extended coverage insurance, as defined in Section 143.13 of the Illinois Insurance Code [215 ILCS 5/143.13] (11/1/97-Rev-Stat-1987;ch-73;par-755-13), exists when a median payment period exceeds 40 calendar days.
- B) If a claim on a policy of fire and extended coverage insurance, as defined in Section 143.13 of the Illinois Insurance Code [215 ILCS 5/143.13] (11/1/97-Rev-Stat-1987;ch-73;par-755-13), remains unresolved for more than 75 calendar days from the date it is reported, or 25 calendar days after receipt of proof of loss, whichever is less, the company shall provide a reasonable written explanation for the delay to the insured. Notice of Availability of the Department of Insurance shall accompany the written explanation to the insured.

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C) If partial losses are settled on the basis of a written estimate prepared by or for the company, the company shall supply upon request of the insured, a copy of the estimate upon which the settlement is based. The estimate prepared by or for the company shall be reasonable, in accordance with applicable policy provisions, and of an amount which will allow for repairs to be made in a workmanlike manner. If the insured subsequently claims, based upon a written estimate which he obtains, that necessary repairs will exceed the written estimate prepared by or for the company, the company shall review and respond promptly in writing to the insured in regard to his written estimate and provide that will make the repairs in a workmanlike manner. Failure of the company to so inform the insured of the name of a contractor shall require the company to provide written notice to the insured that any and all reasonable costs incurred for repair or replacement related to the partial loss in excess of the company's estimate will be reimbursed by the company.

8) Actual Cash Value Losses.

A) When the insurance policy provides for the adjustment and settlement of losses on an actual cash value basis on residential fire and extended coverage as defined in Section 143.13 of the Illinois Insurance Code [215 ILCS 5/143.13], the company shall determine actual cash value, except for instances in which the insured's interest is limited as set forth in Section 919.80(d)(8)(B) below, as follows: replacement cost of property at time of loss less depreciation, if any. Upon the insured's request, the company shall provide a copy of the claim file worksheet(s) detailing any and all deductions for depreciation, including, but not necessarily limited to, the age, condition, and expected life of the property.

B) In cases in which the insured's interest is limited because the property has nominal or no economic value, or a value disproportionate to replacement cost less depreciation, the determination of actual cash value as set forth in Section 919.80(d)(8) subsection (A) above is not required. In such cases, the company shall provide, upon the insured's request, a written explanation of the basis for limiting the amount of recovery along with the amount payable under the policy.

C) When the period within which the insured may bring suit under a residential fire and extended coverage policy is tolled in accordance with Section 143.1 of the Illinois Insurance Code [215 ILCS 5/143.1], the company, at the time it denies the claim, in whole or in part, shall advise the

insured in writing of the number of days the period was tolled, and how many days are left before the expiration of the time to bring suit.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Traditional Long-Term Care Insurance

2) Code Citation: 50 Ill. Adm. Code 2012

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2012.10	Amendment
2012.20	Amendment
2012.30	Amendment
2012.40	Amendment
2012.50	Amendment
2012.55	Amendment
2012.60	Amendment
2012.62	New Section
2012.64	New Section
2012.65	Amendment
2012.70	Amendment
2012.80	Amendment
2012.90	Amendment
2012.95	Amendment
2012.100	Amendment
2012.110	Amendment
2012.112	New Section
2012.115	Amendment
2012.120	Amendment
2012.122	Amendment
2012.123	Amendment
2012.124	Amendment
2012.126	Amendment
2012.127	Amendment
2012.128	Amendment
2012.129	New Section
2012.130	Amendment
2012.140	Amendment
2012.150	Amendment
EXHIBIT A	Amendment
EXHIBIT B	Amendment
EXHIBIT C	Amendment
EXHIBIT D	Amendment
EXHIBIT E	Amendment
EXHIBIT F	Amendment
EXHIBIT G	Amendment
EXHIBIT H	Amendment
EXHIBIT I	New Section
EXHIBIT J	New Section

4) Statutory Authority: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].

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5) A Complete Description of the Subjects and Issues Involved: The Department is proposing amendments to this Part which will bring our regulation in line with changes to the NAIC model and will reflect the inclusion of a long-term care insurance product which is "tax-qualified", pursuant to the Internal Revenue Code.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Denise Hamilton	or	Eve Blackwell-Lewis
Rules Unit Supervisor		Staff Attorney
Department of Insurance		Department of Insurance
320 West Washington		320 West Washington
Springfield, Illinois 62767-0001		Springfield, Illinois 62767-0001
(217) 785-8560		(217) 524-1634

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: Please see proposed amendments.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this amendment was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 50: INSURANCE

CHAPTER 1: DEPARTMENT OF INSURANCE

SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2012

TRADITIONAL LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Unintentional Lapse
2012.60	Required Disclosure Provisions
2012.62	Required Disclosure of Rating Practices to Consumers
2012.64	Initial Filing Requirements
2012.65	Prohibition Against Post Claims Underwriting
2012.70	Minimum Standards for Home Health and Community Care Benefits in Traditional Long-Term Care Insurance Policies
2012.80	Requirement to Offer Inflation Protection
2012.90	Requirements for Application Forms and Replacement Coverage
2012.95	Reporting Requirements
2012.100	Filing Requirement
2012.110	Loss Ratio
2012.112	Premium Rate Schedule Increases
2012.115	Filing Requirements for Advertising
2012.120	Reserve Standards
2012.122	Standards for Marketing
2012.123	Suitability
2012.124	Appropriateness of Recommended Purchase
2012.126	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
2012.127	Requirement to Offer Nonforfeiture Benefit
2012.128	Standards for Benefit Triggers
2012.129	Standards for Benefit Triggers for Qualified Traditional Long-Term Care
2012.130	Standard Format Outline of Coverage Requirements
2012.140	Requirement to Deliver Shopper's Guide
2012.150	Penalties
EXHIBIT A	Replacement Notice for Other Than Direct Response Solicitations
EXHIBIT B	Replacement Notice for Direct Response Solicitations
EXHIBIT C	Standard Format Outline of Coverage
EXHIBIT D	Rescission Reporting Format
EXHIBIT E	Class of Insurance - Accident and Health
EXHIBIT F	Traditional Long-Term Care Insurance Personal Worksheet
EXHIBIT G	Things You Should Know Before You Buy Traditional Long-Term Care Insurance

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EXHIBIT H Traditional Long-Term Care Insurance Suitability Letter

EXHIBIT I Claims Denial Reporting Format

EXHIBIT J Potential Rate Increase Disclosure

AUTHORITY: Implementing and authorized by Section 351A-11 of the Illinois Insurance Code [215 ILCS 5/351A-11].

SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. 2238, effective February 1, 1994; amended at 19 Ill. Reg. 2832, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 8403, effective June 13, 1995; emergency expired September 1, 1995; amended at 19 Ill. Reg. 14421, effective October 3, 1995; amended at 22 Ill. Reg. 2105, effective January 6, 1998; amended at 25 Ill. Reg. _____, effective _____.

Section 2012.10 Purpose

The purpose of this Part is to implement Article XIXA of the Illinois Insurance Code, to promote the public interest, to promote the availability of traditional long-term care insurance coverage, to protect applicants for traditional long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of traditional long-term care insurance.

(Source: Amended at 25 Ill. Reg. _____, effective _____.)

Section 2012.20 Applicability and Scope

a) Except as otherwise specifically provided below, this Part applies to all traditional long-term care insurance policies including qualified traditional long-term care insurance contracts and life insurance policies that accelerate benefits for traditional long-term care insurance delivered or issued for delivery in this State by any insurer on or after the effective date of this Part. Certain provisions of this Part apply only to qualified traditional long-term care insurance contracts as noted.

b) Additionally, this Part is intended to apply to policies having indemnity benefits that are triggered by activities of daily living and sold as disability income insurance, if:

- 1) The benefits of the disability income policy are dependent upon or vary in amount based on the receipt of traditional long-term care services;
- 2) The disability income policy is advertised, marketed or offered as insurance for traditional long-term care services; or
- 3) Benefits under the policy may commence after the policyholder has reached Social Security's normal retirement age unless benefits

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are designed to replace lost income or pay for specific expenses other than traditional long-term care services.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.30 Definitions

Accelerated Life Product means a policy, contract, rider endorsement or amendment which contains benefits providing payment from life or endowment or annuity benefits in advance of the time they would otherwise be payable at any time during the insured's lifetime as an indemnity for traditional long-term long-term care.

Applicant as defined in Section 351A-1 of the Illinois Insurance Code means:

in the case of an individual long-term care insurance policy, the person who seeks to contract for benefits;
in the case of a group long-term care insurance policy, the proposed certificateholder.

Certificate as defined in Section 351A-1 of the Illinois Insurance Code (~~§§11-Rev-Stat--1991-CH-737-PAR-963A-1~~) [215 ILCS 5/351A-1] means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.

Director as defined in Section 351A-1 of the Illinois Insurance Code (~~§§11-Rev-Stat--1991-CH-737-PAR-963A-1~~) [215 ILCS 5/351 A-1] means the Director of Insurance.

Group Long-Term Care Insurance as defined in Section 351A-1 of the Illinois Insurance Code (~~§§11-Rev-Stat--1991-CH-737-PAR-963A-1~~) [215 ILCS 5/351A-1] means a traditional long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:

One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

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Is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

Has been maintained in good faith for purposes other than obtaining insurance.

An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

the association or associations hold regular meetings not less than annually to further purposes of the members;

except for credit unions, the association or associations collect dues or solicit contributions from members; and

the members have voting privileges and representation on the governing board and committees.

Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.

A group other than as described in subparagraphs under the definition of Group Long-Term Care Insurance, subject to a finding by the Director that:

The issuance of the group policy is not contrary to the best interest of the public;

The issuance of the group policy would result in economies of acquisition or administration; and

The benefits are reasonable in relation to the

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premiums charged.

The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with the requirements of Section 2012.110.

Insurer includes insurance companies; fraternal benefit societies; nonprofit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization.

Policy as defined in Section 351A-1 of the Illinois Insurance Code (1991-Rev. Stat. ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer, fraternal benefit society, non-profit health, hospital, or medical service corporation, prepaid health plan, health maintenance organization or any similar organization.

Traditional Long-Term Care Insurance as defined in Section 351A-1 of the Illinois Insurance Code (1991-Rev. Stat. ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of function capacity. Long-term care insurance may be issued by insurers; fraternal benefit societies; nonprofit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization or any similar organization, to the extent they are otherwise authorized to issue life or health insurance. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. Long-term care insurance may include benefits for

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care and treatment in accordance with the tenets and practices of any established church or religious denomination which that teaches reliance on spiritual treatment through prayer for healing.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a traditional long-term care policy unless the policy or subscriber contract contains definitions or terms that are more restrictive than the requirements of this Section.

"Activities of Daily Living" means at least bathing, continence, dressing, eating, toileting and transferring.

"Acute Condition" means a condition that causes the individual to be medically unstable. Such individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult Day Care" means a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

All providers of services, including but not limited to skilled nursing facility, intermediate care facility, convalescent nursing home, personal care facility, and home care agency shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

"Assistive Equipment" means tangible personal property with a useful life of at least one year, expressly designed and used for increasing independent functioning in specific tasks or activities of independent living in the home that directly results in a demonstrated decrease in need for assistance from another individual in performing certain tasks or activities.

"Bathing" means washing oneself by sponge bath, or in either a tub or shower, including the task of getting into or out of the tub or shower.

"Chronically Ill Individual", for all traditional long-term care

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policies that are marketed as "qualified" pursuant to the Internal Revenue Code of 1986, as amended (26 USC 7702B(c)(2)(A)), "(t)he term 'chronically ill individual' means any individual who has been certified by a licensed health care practitioner as:

- i) being unable to perform (without substantial assistance from another individual) at least 2 activities of daily living for a period of at least 90 days due to a loss of functional capacity.
- ii) having a level of disability similar (as determined under regulations prescribed by the Secretary in consultation with the Secretary of Health and Human Services) to the level of disability described in clause (i), or
- iii) requiring substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless within the preceding 12-month period a licensed health care practitioner has certified that such individual meets such requirements."

"Cognitive Impairment" means a deficiency in a person's short- or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgement as it relates to safety awareness.

"Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

"Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

"Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

"Electronic Home Response Services" means services designed to provide a 24 hour per day emergency communication link to assistance outside the home for individuals so severely disabled that they are incapable of using conventional or modified communication devices such as the telephone, and who have no other persons available in the home should an emergency arise.

"Exceptional Increase" means only those increases filed by an insurer as exceptional for which the Director determines the need for the

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premium rate increase is justified:

Due to changes in laws or regulations applicable to traditional long-term care coverage in this State; or

Due to increased and unexpected utilization that affects the majority of insurers of similar products.

Except as proved in Section 2012.112, exceptional increases are subject to the same requirements as other premium rate schedule increases.

The Director may request a review by an independent actuary or a professional actuarial body of the basis for a request that an increase be considered an exceptional increase.

The Director, in determining that the necessary basis for exceptional increase exists, shall also determine any potential offsets to higher claims costs.

"Hands-on Assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

"Home Health Care Services" means medical and nonmedical services provided to ill, disabled or informed persons in their residences. Examples of such services may include but are not limited to homemaker services, assistance with activities of daily living and respite care services.

"Homemaker Service" means nonmedical support provided by trained and professionally supervised homemakers to maintain, strengthen and safeguard the functioning of individuals in their own homes.

"Incidental", as used in Section 2012.112(j), means that the value of the traditional long-term care benefit provided is less than 10% of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

"Licensed Health Care Practitioner" means any physician (as defined in Section 1861(r)(1) of the Social Security Act) and any registered professional nurse, licensed social worker, or other individual who meets requirements as may be prescribed by the Secretary.

"Maintenance Home Health Care Services" means medically related services provided in the home in accordance with services prescribed by a physician. Specific components of maintenance home health care may include: nursing services, physical, respiratory or speech

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therapy; medical/health care services provided by a home health care aide.

"Maintenance or Personal Care Services" within the meaning of the Internal Revenue Code of 1986, as amended (26 USC 7702(b)(3)), means any care the primary purpose of which is the provision of needed assistance with any of the disabilities as a result of which the individual is a chronically ill individual (including the protection from threats to health and safety due to severe cognitive impairment).

"Medicare" means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then Constituted or Later Amended", 42 U.S.C.A. Section 1395 et seq., including the "Medicare Catastrophic Coverage Act of 1988."

"Mental or Nervous Disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

"Personal Care" means the provision of hands-on services to assist an individual with activities of daily living, such as bathing, eating, dressing, transferring and toileting.

"Plan of Care" in qualified plans means the specific type and frequency of all services required to maintain the individual in the community, the service providers, and the cost of services. The plan of care shall be specified in writing by a licensed health care provider.

"Qualified Actuary" means a member in good standing of the American Academy of Actuaries.

"Qualified Traditional Long-Term Care Contract" means any insurance contract that provides only coverage of qualified traditional long-term care services and is: guaranteed renewable; does not provide for cash surrender value or other money that can be paid, assigned, pledged or borrowed; dividends and refunds, other than refunds paid upon death of the insured or complete surrender or cancellation of the contract may only be used to reduce future premiums or increase future benefits; contract does not pay or reimburse expenses that are reimbursable under Medicare, except when Medicare is a secondary payor or when the contract makes payments per diem or on another periodic basis without regard to actual expenses; and consumer protective provisions for traditional long-term care insurance are satisfied.

"Qualified Traditional Long-Term Care Services" means necessary diagnostic, preventive, therapeutic, curing, treating, mitigating and rehabilitation services, and maintenance or personal care services

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that are required by a chronically ill individual and provided pursuant to a plan of care prescribed by a licensed health care practitioner.

"Respite Service" means temporary care for insureds aimed at relieving stress for the insured's families. Respite service shall be provided for vacation, rest, errands, family crisis or emergency.

"Similar Policy Forms" means all of the traditional long-term care insurance policies and certificates issued by an insurer in the same traditional long-term care benefit classification as the policy form being considered. Certificates of groups that meet the definition found in Section 2012.30 are not considered similar to certificates or policies otherwise issued as traditional long-term care insurance, but are similar to other comparable certificates with the same traditional long-term care benefit classifications. For purposes of determining similar policy forms, traditional long-term care benefit classifications are defined as follows: institutional traditional long-term care benefits only, non-institutional traditional long-term care benefits only, or comprehensive traditional long-term care benefits.

"Skilled Nursing Care", "Intermediate Care", "Personal Care", "Home Care", and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

"Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

"Transferring" means moving into or out of a bed, chair or wheelchair.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.50 Policy Practices and Provisions

a) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any group and individual direct response or individual traditional long-term care insurance policy or certificate without explanatory language in accordance with the disclosure requirements of Section 2012.70 of this Part.

1) No such policy or certificate issued to an individual shall contain renewal provisions less favorable to the insured than "guaranteed renewable."

2) The term "guaranteed renewable" may be used only when the insured has the right to continue the traditional long-term care insurance in force by the timely payment of premiums and when the

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insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

- 3) The term "noncancellable" may be used only when the insured has the right to continue the traditional long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

- 4) The term "level premium" may only be used when the insurer does not have the right to change the premium.

- 5) In addition to the other requirements of subsection (a) of this Section, a qualified traditional long-term care insurance contract shall be guaranteed renewable, as required by the Internal Revenue Code of 1986, as amended (26 USC 7702B(b)(1)(C)).

- b) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as traditional long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

- 1) Preexisting conditions or diseases;
- 2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or senile dementia;
- 3) Alcoholism and drug addiction;
- 4) Illness, treatment or medical condition arising out of:
 - A) war or act of war (whether declared or undeclared);
 - B) participation in a felony, riot or insurrection;
 - C) service in the armed forces or units auxiliary thereto;
 - D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or
 - E) aviation (this exclusion applies only to non-fare paying passengers);

- 5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance;

- 6) Expenses for services or items available or paid under another traditional long-term care insurance or health insurance policy;

- 7) In the case of a tax qualified traditional long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount;

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- 86) This subsection (b) is not intended to prohibit exclusions and limitations for payment of services provided outside the United States.

- c) Extension of Benefits. Termination of traditional long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the traditional long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the traditional long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

- d) Continuation or Conversion

- 1) Group traditional long-term care insurance issued in this State on or after February 1, 1994 shall provide coverage for individuals with a basis for continuation or conversion of coverage.

- 2) For the purposes of this Section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation of benefits which are substantially equivalent to the benefits of the existing group policy. The Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

- 3) For the purposes of this Section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

- 4) For the purposes of this Section, "converted policy" means an individual policy of traditional long-term care insurance providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts the provision of benefits and services, or contains incentives to use certain providers and/or facilities,

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the Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

- 5) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be guaranteed renewable.
- 6) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.
- 7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:
 - A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
 - B) The terminating coverage is replaced not later than 31 ~~thirty-one~~ days after termination, by group coverage effective on the day following the termination of coverage:
 - i) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and
 - ii) The premium for which is calculated in a manner consistent with the requirements of subsection (d)(6) of this Section.
- 8) Notwithstanding any other provision of this Section, a converted policy issued to an individual who at the time of conversion is covered by another traditional long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100% percent of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

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- 9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.
- 10) Notwithstanding any other provision of this Section, any insured individual whose eligibility for group traditional long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.
- 11) For the purposes of this Section: a "Managed-Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.
- e) Discontinuance and Replacement

If a group traditional long-term care policy is replaced by another group traditional long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

 - 1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
 - 2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of traditional long-term care services.
- f) The premiums charged to an insured for traditional long-term care insurance shall not increase due to either:
 - 1) The increasing age of the insured at ages beyond sixty-five ~~65~~; or
 - 2) The duration the insured has been covered under the policy.
- g) No traditional long-term care insurance policy shall:
 - 1) be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;
 - 2) contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new, or other coverage form-within-the-same-company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;
 - 3) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.
- h) Electronic Enrollment for Group Policies
 - 1) In the case of a group defined in Section 2012.30 of this Part, any requirement that a signature of an insured be obtained by an

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insurance producer or insurer shall be deemed satisfied if:

- A) The consent is obtained by telephonic or electronic enrollment by the group policyholder or insurer. A verification of enrollment information shall be provided to the enrollee;
- B) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure the accuracy, retention and prompt retrieval of records; and
- C) The telephonic or electronic enrollment provides necessary and reasonable safeguards to assure that the confidentiality of individually identifiable information and privileged information is maintained.

- 2) Upon request of the Director the insurer shall make available records that will demonstrate the insurer's ability to confirm enrollment and coverage amounts.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.55 Unintentional Lapse

Each insurer offering traditional long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

- a) Notice before lapse or termination.
 - 1) No individual traditional long-term care policy or certificate shall be issued until the insurer has received from the applicant a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium; or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation shall provide space designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this traditional long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until thirty-4 304 days after a premium is due and unpaid. I elect NOT to designate any person to receive such notice." The insurer shall also notify the insured of the right to change this written designation, no less often then once every two-424 years.

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- 2) When the policyholder or certificateholder pays premium for a traditional long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in subsection (a)(1) above need not be met until sixty 4 604 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall indicate the payment plan selected by the applicant.

- 3) Lapse or termination for nonpayment of premium. No individual traditional long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least thirty-4 304 days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to subsection (a)(1) above, at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice shall not be given until thirty-4 304 days after a premium is due and unpaid. Notice shall be deemed to have been given as of five-454 days after the date of mailing.

- b) In addition to the requirements of subsection (a) above, a traditional long-term care insurance policy or certificate shall include a provision which provides for reinstatement of coverage, in the event of lapse if the insurer is provided proof of cognitive impairment, the loss of functional capacity or if the insured would otherwise qualify for benefits under the contract. This option shall be available to the insured if requested within five-4 54 months after termination and shall allow for the collection of past due premium. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria contained in the policy and certificate.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.60 Required Disclosure Provisions

- a) Renewability. Individual traditional long-term care insurance policies shall contain a renewability provision. Such provision shall be captioned as a Renewal, shall appear on the first page of the policy, and shall clearly state that the coverage is guaranteed renewable or noncancellable the-duration-where-limited-of-renewability-and-the-duration-of-the-term-of-coverage-for-which-the-policy-is-issued-and-of-which-it-may-be-renewed. This provision shall not apply to policies which do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder. A traditional long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall

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- include a statement that premium rates may change.
- b) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual traditional long-term care insurance policy, all riders or endorsements added to an individual traditional long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.
- c) Payment of Benefits. A traditional long-term care insurance policy or certificate which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage. In addition, the insurer shall provide the insured with a benefit report annually outlining any traditional long-term care benefits paid during the year and any traditional long-term care benefits existing or remaining.
- d) Preexisting Conditions: If a traditional long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Preexisting Condition Limitations." Limitations to preexisting conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code [215 ILCS 5/351A-5].
- e) Other Limitations or Conditions on Eligibility for Benefits. In addition to complying with Section 351A-6 of the Illinois Insurance Code, beginning August 30, 1990, a traditional long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 351A-6 shall set forth a description of such limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."
- f) Disclosure Requirements for Accelerated Life Products
- 1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides traditional long-term care benefits within the policy or by rider. This requirement does not apply to qualified traditional long-term care insurance contracts. In the case of direct response solicitations, the insurer shall deliver the policy

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- summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:
- A) an explanation of how the traditional long-term care benefit interacts with other components of the policy, including deductions from death benefits;
 - B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;
 - C) any exclusion, reductions and limitations on benefits of traditional long-term care; and
 - D) if applicable to the policy type, the summary shall also include:
 - i) disclosure of the effects of exercising other rights under the policy;
 - ii) disclosure of guarantees related to traditional long-term care costs of insurance charges; and
 - iii) current and projected maximum lifetime benefits.
- 2) Benefit Reports
- Any time a traditional long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:
- A) any traditional long-term care benefits paid during the month;
 - B) an explanation of any changes in the policy, including changes in death benefits or cash values, due to traditional long-term care benefits being paid out; and
 - C) the amount of traditional long-term care benefits existing or remaining.
- 3) Outline of Coverage
- The Outline of Coverage should include an example filled out in John Doe form which illustrates how the traditional long-term care benefit is calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.
- 4) Disclosure of Tax Consequences. With regard to life insurance policies that provide an accelerated benefit for traditional long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted, that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. This disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents. This subsection shall not apply to qualified traditional long-term care insurance contracts.
- g) Benefit Triggers. Activities of daily living and cognitive impairment

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shall be used to measure an insured's need for traditional long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits". Any additional benefit triggers shall also be explained in this paragraph. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

b) A qualified traditional long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in Section 2012.30 which policy was in force prior to January 1, 2002, the provisions of this Section shall apply on the policy anniversary following January 1, 2002.

i) A nonqualified traditional long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in Section 2012.30 which policy was in force prior to January 1, 2002, the provisions of this Section shall apply on the policy anniversary following January 1, 2002.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.62 Required Disclosure of Rating Practices to Consumers

a) This Section shall apply as follows:

1) Except as provided in subsection (a)(2), this Section applies to any traditional long-term care policy issued in this State on or after January 1, 2002.

2) For certificates issued on or after January 1, 2002, under a group traditional long-term care insurance policy as defined in Section 2012.30, which policy was in force prior to January 1, 2002, the provisions of this Section shall apply on the policy anniversary following January 1, 2002.

b) Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in subsection (b) of this Section to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in this Section to the applicant no later than at the time of delivery of the policy or certificate.

1) A statement that the policy may be subject to rate increases in the future;

2) An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;

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3) The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;

4) A general explanation for applying premium rate or rate schedule adjustments that shall include:

A) A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and

B) The right to a revised premium rate or rate schedule as provided in subsection (b)(2) of this Section if the premium rate or rate schedule is changed;

5) Required Rate Information

A) Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this State or any other state that, at a minimum, identifies:

i) The policy forms for which premium rates have been increased;

ii) The calendar years when the form was available for purchase; and

iii) The amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.

B) The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.

C) An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the traditional long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.

D) If an acquiring insurer files for a rate increase on a traditional long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before January 1, 2002, or the end of a 24 month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subsection (b)(5)(A) of this Section.

E) If the acquiring insurer in subsection (b)(5)(D) of this Section files for a subsequent rate increase, even within the 24 month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subsection (b)(5)(D) of this Section, the acquiring insurer shall make

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all disclosures required by subsection (b)(5)(A) of this Section, including disclosure of the earlier rate increase referenced in subsection (b)(5)(D) of this Section.

- c) An applicant shall sign an acknowledgment at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subsections (b)(1) and (5) of this Section. If due to the method of application the applicant cannot sign an acknowledgment at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.
- d) An insurer shall use Exhibits F and J to comply with the requirements of subsections (a) and (b) of this Section.
- e) An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 45 days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection (b) of this Section when the rate increase is implemented.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 2012.64 Initial Filing Requirements

- a) This Section applies to any traditional long-term care policy issued in this State on or after January 1, 2002.

- b) An insurer shall provide the information listed in subsection (b) of this Section to the Director 30 days prior to making a traditional long-term care insurance form available for sale.

- 1) A copy of the disclosure documents required in Section 2012.62; and

- 2) An actuarial certification consisting of at least the following:

- A) A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

- B) A statement that the policy design and coverage provided have been reviewed and taken into consideration;

- C) A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

- D) A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

- i) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

- ii) A statement that the assumptions used for reserves contain reasonable margins for adverse experience;

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- iii) A statement that the net valuation premium for renewal years does not increase (except for attained-age rating where permitted); and

- iv) A statement that the difference between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses. If such a statement cannot be made, a complete description of the situations where this does not occur must be provided and shall include an aggregate distribution of anticipated issues that may be used as long as the underlying gross premiums maintain a reasonably consistent relationship. In the event that gross premiums for a certain age group appear to be inconsistent with this requirement, the Director may request a demonstration under Section 2012.64(c) based on a standard age distribution; and

- E) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits, or a comparison of the premium schedules for similar policy forms that are currently available from the insurer with an explanation of the differences.

- c) The Director may request an actuarial demonstration that benefits are reasonable in relation to premiums. The actuarial demonstration shall include either premium and claim experience on similar policy forms, adjusted for any premium or benefit differences, relevant and credible data from other studies, or both. In the event the Director asks for additional information pursuant to this subsection, the January 1, 2002, timeframe identified in Section 2012.64(a) does not include the period during which the insurer is preparing the requested information.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 2012.65 Prohibition Against Post Claims Underwriting

- a) All applications for traditional long-term care insurance policies or certificates except those which are guaranteed issue shall contain unambiguous questions designed to ascertain the health condition of the applicant.

- 1) If an application for traditional long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

- 2) If the medications listed in such application were known by the insurer, or were included in the insurers underwriting standards

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at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

b) Except for policies or certificates which are guaranteed issue:

- 1) The following language shall be set out in bold face type on the same page as the applicant's signature block on an application for a traditional long-term care insurance policy or certificate:
Caution: If your answers on this application are incorrect or untrue, [company] may have the right to deny benefits or rescind your policy.

- 2) The following language shall be set out on the traditional long-term care insurance policy or certificate at the time of delivery:

Caution: The issuance of this traditional long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company may have the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

- 3) Prior to issuance of a traditional long-term care policy or certificate to an applicant age eighty--~~4~~ 80~~+~~ or older, the insurer shall obtain one of the following:

- A) A report of a physical examination;
- B) An assessment of functional capacity;
- C) An attending physician's statement; or
- D) Copies of medical records.

- c) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

- d) Every insurer, as defined herein, selling or issuing traditional long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both State and countrywide, except those which the insured voluntarily effectuated and shall annually furnish this information to the Director of Insurance in the format prescribed in Exhibit D.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.70 Minimum Standards for Home Health and Community Care Benefits in Traditional Long-Term Care Insurance Policies

- a) A traditional long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or

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exclude benefits:

- 1) By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;

- 2) By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;

- 3) By limiting eligible services to services provided by registered nurses or licensed practical nurses;

- 4) By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;

- 5) By requiring that the insured/claimant have an acute condition before home health care services are covered;

- 6) By excluding coverage for personal care services provided by a home health aide;

- 7) By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;

- 8) By limiting benefits to services provided by Medicare-certified agencies or providers;

- 9) By excluding coverage for adult day care services.

- b) A traditional long-term care insurance policy or certificate, if it provides for home health or community care services, shall provide total home health or community care coverage that is a dollar amount equivalent to at least one-half of one year's coverage available for nursing home benefits under the policy or certificate, at the time covered home health or community care services are being received. This requirement shall not apply to policies or certificates issued to residents of continuing care retirement communities.

- c) Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.80 Requirement to Offer Inflation Protection

- a) No insurer may offer a traditional long-term care insurance policy unless the insurer also offers to the policyholder in addition to any other inflation protection the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of traditional long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a

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policy with an inflation protection feature no less favorable than one of the following:

- 1) Increases benefit levels annually (in a manner so that the increases are compounded annually at a rate not less than five percent-(5%);
- 2) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five-percent-(5%) for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or
- 3) Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.
- b) Where the policy is issued to a group, the required offer in subsection (a) above shall be made to the group policyholder; except, if the policy is issued to a discretionary group other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.
- c) The offer in subsection (a) above shall not be required of life insurance policies or riders containing accelerated traditional long-term care benefits.
- d) Insurers shall include the following information in ~~or--with~~ the outline of coverage:
 - 1) A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty-(20) year period.
 - 2) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases. If premium increases or additional premiums will be based on the attained age of the applicant at the time of the increase, the insurer shall also disclose the magnitude of the potential premiums the applicant would need to pay at ages 75 and 85 for benefit increases.
 - 3) An insurer may use a reasonable hypothetical or a graphic demonstration for the purposes of this disclosure.
- e) Inflation protection benefit increases under a policy which contains such benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.
- f) An offer of inflation protection which provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. Such offer shall disclose in bold face type that the premium may change in the future unless the premium is guaranteed to remain constant.
- g) Inflation protection as provided in subsection (a)(1) of this Section

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shall be included in a traditional long-term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder as required hereunder. The rejection may be either in the application or on a separate form. The rejection shall be considered a part of the application and shall state, "I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection. Specifically, I have reviewed plan(s) _____, and I reject inflation protection."

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.90 Requirements for Application Forms and Replacement Coverage

- a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another traditional long-term care insurance policy or certificate in force or whether a traditional long-term care policy or certificate is intended to replace any other accident and sickness or traditional long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and insurance producer, except where the coverage is sold without an insurance producer, containing such questions may be used. With regard to a replacement policy issued to a group defined by Section 2012.30 of this Part the following questions may be modified only to the extent necessary to elicit information about health or traditional long-term care insurance policies other than the group policy being replaced; provided, however, that the certificateholder has been notified of the replacement.
 - 1) Do you have another traditional long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?
 - 2) Did you have another traditional long-term care insurance policy or certificate in force during the last twelve-(12) months?
 - A) If so, with which company?
 - B) If that policy lapsed, when did it lapse?
 - 3) Are you covered by Medicaid?
 - 4) Do you intend to replace any of your medical or health insurance coverage with this policy (certificate)?
- b) Insurance producers shall list any other health insurance policies they have sold to the applicant.
 - 1) List policies sold which are still in force.
 - 2) List policies sold in the past five-(5) years which are no longer in force.
- c) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its insurance producer, shall

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furnish the applicant, prior to issuance or delivery of the individual traditional long-term care insurance policy, a notice regarding replacement of accident and sickness or traditional long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided as set forth in Exhibit A of this Part.

d) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or traditional long-term care coverage to the applicant upon issuance of the policy. The required notice shall be provided as set forth in Exhibit B of this Part.

e) Where replacement is intended, the replacing insurer shall provide written notice to the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name and policy number or address including zip code. Notice shall be made within five-t 5t working days from the date the application is received by the insurer or the date the policy issued, whichever is sooner.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.95 Reporting Requirements

All insurers shall:

- a) Maintain records for each insurance producer of that producer's amount of replacement sales as a percent of the producer's total annual sales and the amount of lapses of traditional long-term care insurance policies sold by the insurance producer as a percent of the producer's total renewing sales. Total renewing sales means policies in force at the end of the calendar year prior to the year of lapse.
- b) Report annually by June 30 the ten-percent-t 10t of its insurance producers with the greatest percentages of lapses and replacements as measured by subsection (a) above. The reports shall include lapses and replacements that occur in the most recent calendar year ending December 31. Only insurance producers with at least ten-t 10t total renewing sales, or five-t 5t new sales in the report period shall be included in the lapse report.
- c) Report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.
- d) Report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.
- e) Every insurer shall report annually by June 30, for qualified traditional long-term care insurance contracts, the number of claims denied for each class of business, expressed as a percentage of claims

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denied. Please see Exhibit I of this Part. For purposes of this Section, ~~"policy" shall mean only long-term care insurance and report means on a State-wide basis.~~

f) For purposes of this Section:

- 1) "Policy" means only traditional long-term care insurance;
- 2) Subject to subsection (f)(3) of this Section, "claim" means a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;
- 3) "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition; and
- 4) "Report" means on a Statewide basis.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.100 Filing Requirement

Prior to an insurer offering traditional group traditional long-term care insurance to a resident of this State pursuant to Section 351A-2 of the Illinois Insurance Code (215 ILCS 5/351A-2), it shall file with the Director evidence that the group policy or certificate thereunder has been approved by a state that has adopted the National Association of Insurance Commissioners' model legislation on Long-Term Care Insurance and attendant regulations, 2301 McGee Street #20-West-12th-Street, Suite 800 #800, Kansas City, Missouri 64108 (2000) 64105-t1996t (no subsequent dates or editions).

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.110 Loss Ratio

a) This Section shall apply to all traditional long-term care insurance policies or certificates, except those covered under Sections 2012.64 and 2012.112.

b) Benefits under traditional long-term care insurance policies shall be deemed reasonable in relation to premiums provided the lifetime anticipated loss ratio is at least 60t sixty-percent, calculated on the basis of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. In evaluating the lifetime anticipated loss ratio, consideration shall be given to the following factors:

- 1a) Statistical credibility of incurred claims experience based on the following factors: claim rates, variability in transaction costs, and number of lives exposed.
- 2b) The period for which rates are computed to provide coverage;

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- 3c) Experience and projected trends;
 4d) Concentration of experience within early policy duration;
 5e) Expected claim fluctuation;
 6f) Experience refunds, adjustments or dividends;
 7g) Renewability features;
 8h) Interest;
 9i) Experimental nature of the coverage;
 10j) Product features such as long elimination periods (period between when the claim arises and insured is eligible to receive benefits), high deductibles and high maximum limits.

c) Subsection (b) of this Section shall not apply to life insurance policies that accelerate benefits for traditional long-term care. A life insurance policy that funds traditional long-term care benefits entirely by accelerating the death benefit is considered to provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

- 1) The interest credited internally to determine cash value accumulations, including traditional long-term care, if any, is guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without traditional long-term care set forth in the policy;
- 2) The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Section 229.2 of the Illinois Insurance Code [215 ILCS 5/229.2];
- 3) The policy meets the disclosure requirements of Section 2012.62;
- 4) Any policy illustration that meets the applicable requirements of 50 Ill. Adm. Code 1406;
- 5) An actuarial memorandum is filed with the Department that includes:
 - A) A description of the basis on which the traditional long-term care rates were determined;
 - B) A description of the basis for the reserves;
 - C) A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;
 - D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;
 - E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;
 - F) The estimated average annual premium per policy and the average issue age;
 - G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement

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shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and
 H) A description of the effect of the traditional long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in traditional long-term care claim status.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.112 Premium Rate Schedule Increases

a) This Section shall apply as follows:

- 1) Except as provided in subsection (a)(2) of this Section, this Section applies to any traditional long-term care policy issued in this State on or after January 1, 2002.
- 2) For certificates issued on or after January 1, 2002, under a group traditional long-term care insurance policy as defined in Section 2012.30, which policy was in force prior to January 1, 2002, the provisions of this Section shall apply on the policy anniversary following January 1, 2002.

b) An insurer shall provide notice of a pending premium rate schedule increase, including an exceptional increase, to the Director at least 30 days prior to the notice to the policyholders and shall include:

- 1) Information required by Section 2012.62;
- 2) Certification by a qualified actuary that:
 - A) If the requested premium rate schedule increase is implemented and the underlying assumptions that reflect moderately adverse conditions are realized, no further premium rate schedule increases are anticipated;
 - B) The premium rate filing is in compliance with the provisions of this Section;

3) An actuarial memorandum justifying the rate schedule change request that includes:

- A) Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase, and the method and assumptions used in determining the projected values, including reflection of any assumptions that deviate from those used for pricing other forms currently available for sale;
- i) Annual values for the 5 years preceding and the 3 years following the valuation date shall be provided separately;
- ii) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;
- iii) The projections shall demonstrate compliance with

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- subsection (c) of this Section; and
- iv) For exceptional increases, the projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and in the event the Director determines, as provided in the definition of "Exceptional Increase" found in Section 2012.30, that offsets may exist, the insurer shall use appropriate net projected experience;
- B) Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger the contingent benefit upon lapse;
- C) Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;
- D) A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and
- E) In the event that it is necessary to maintain consistent premium rates for new certificates and certificates receiving a rate increase, the insurer will need to file composite rates reflecting projections of new certificates;
- 4) A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the Director; and
- 5) Sufficient information for review by the Director of the premium rate schedule increase.
- C) All premium rate schedule increases shall be determined in accordance with the following requirements:
- 1) Exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;
- 2) Premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the inclusion of active life reserves, will not be less than the sum of the following:
- A) The accumulated value of the initial earned premium times 58%;
- B) 85% of the accumulated value of prior premium rate schedule increases on an earned basis;
- C) The present value of future projected initial earned premiums times 58%; and
- D) 85% of the present value of future projected premiums not in subsection (c)(2)(C) of this Section on an earned basis;
- 3) In the event that a policy form has both exceptional and other

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- increases, the values in subsections (c)(2)(B) and (D) of this Section will also include 70% for exceptional rate increase amounts; and
- 4) All present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves as specified in 50 Ill. Adm. Code 2004 (Accident and Health Reserves). The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.
- d) For each rate increase that is implemented, the insurer shall file for review by the Director updated projections, as defined in subsection (b)(3)(A) of this Section, annually for the next 3 years and include a comparison of actual results to projected values. The Director may extend the period to greater than 3 years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection (k) of this Section, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the Director.
- e) If any premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, lifetime projections, as defined in subsection (b)(3)(A) of this Section, shall be filed for review by the Director every 5 years following the end of the required period in subsection (d) of this Section. For group insurance policies that meet the conditions in subsection (k) of this Section, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the Director.
- f) If the Director has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection (c) of this Section, the Director may:
- 1) Require the insurer to implement any of the following:
- A) Premium rate schedule adjustments; or
- B) Other measures to reduce the difference between the projected and actual experience.
- 2) In determining whether the actual experience adequately matches the projected experience, consideration should be given to subsection (b)(3)(E) of this Section, if applicable.
- g) If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:
- 1) A plan, subject to the Director's approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases, or both, or to demonstrate that appropriate administration and claims processing

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have been implemented or are in effect; otherwise the Director may impose the condition in subsection (h) of this Section; and

2) The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection (c) of this Section had the greater of the original anticipated lifetime loss ratio or 58% been used in the calculations described in subsections (c)(1)(A) and (C) of this Section.

h) The Director shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

1) For a rate increase filing that meets the following criteria:

A) The rate increase is not the first rate increase requested for the specific policy form or forms;

B) The rate increase is not an exceptional increase; and

C) The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2) In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the Director may determine that a rate spiral exists. Following the determination that a rate spiral exists, the Director may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with one or more reasonably comparable products being offered by the insurer or its affiliates.

A) The offer shall:

i) Be subject to the approval of the Director;

ii) Be based on actuarially sound principles, but not be based on attained age; and

iii) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

B) The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

i) The maximum rate increase determined based on the combined experience; and

ii) The maximum rate increase determined based only on the experience of the insured's originally issued form plus 10%.

i) If the Director determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for traditional

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long-term care insurance, the Director may, in addition to the provisions of subsection (h) of this Section, prohibit the insurer from either of the following:

1) Filing and marketing comparable coverage for a period of up to 5 years; or

2) Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

1) Subsections (a) through (i) of this Section shall not apply to policies for which the traditional long-term care benefits provided by the policy are "Incidental", as defined in Section 2012.30, if the policy complies with all of the following provisions:

1) The interest credited internally to determine cash value accumulations, including traditional long-term care, if any, is guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without traditional long-term care set forth in the policy;

2) The portion of the policy that provides insurance benefits other than traditional long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

A) Section 229.2 of the Illinois Insurance Code [215 ILCS 5/229.2];

B) Section 229.4 of the Illinois Insurance Code [215 ILCS 5/229.4];

3) The policy meets the disclosure requirements of Sections 2012.60, 2012.62 and 2012.64;

4) The portion of the policy that provides insurance benefits other than traditional long-term care coverage meets the requirements as applicable in the following:

A) Policy illustrations as required by 50 Ill. Adm. Code 1406;

B) Disclosure requirements in 50 Ill. Adm. Code 1451;

5) An actuarial memorandum is filed with the Director that includes:

A) A description of the basis on which the traditional long-term care rates were determined;

B) A description of the basis for the reserves;

C) A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

D) A description and a table of each actuarial assumption used. For expenses, an insurer must include percent of premium dollars per policy and dollars per unit of benefits, if any;

E) A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

F) The estimated average annual premium per policy and the average issue age;

G) A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall

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include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

- H) A description of the effect of the traditional long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in traditional long-term care claim status.

- k) Subsections (f) and (h) of this Section shall not apply to group insurance policies as defined in Section 2012.30 where:

- 1) The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or
- 2) The policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 2012.115 Filing Requirements for Advertising

Every insurer, as defined herein, providing traditional long-term care insurance or benefits in this State shall comply with 50 Ill. Adm. Code 2002.180.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.120 Reserve Standards

- a) When traditional long-term care benefits are provided through the acceleration of benefits under group and individual life policies or riders to such policies, policy reserves for such benefits shall be determined in accordance with Section 223 of the Illinois Insurance Code (~~###-Rev-Stat-1991, ch-737-par-895~~) [215 ILCS 5/223]. Claim reserves must also be established in the case when such policy or rider is in claim status (see 50 Ill. Adm. Code 2004.40). Reserves for policies and riders subject to this subsection should be based on the multiple decrement model utilizing all relevant decrements except for voluntary termination rates. Single decrement approximations are acceptable if the calculation produces reserves which differ from the reserves based on the multiple decrement approach by less than 5% for each combination of issue age and duration, or are greater than the reserves based on the multiple decrement approach, or if the reserves for this line of business are less than five-percent-(5%) of the

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statutory net worth of the company. The calculations may take into account the reduction in life insurance benefits due to the payment of traditional long-term care benefits. However, in no event shall the reserves for the traditional long-term care benefit and life insurance benefit be less than the reserves for the life insurance benefit assuming no traditional long-term care benefit. In the development and calculation of reserves for policies and riders subject to this subsection, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

- 1) Definition of insured events
- 2) Covered traditional long-term long-term care facilities
- 3) Existence of home convalescence care coverage
- 4) Definition of facilities
- 5) Existence or absence of barriers to eligibility
- 6) Premium waiver provision
- 7) Renewability
- 8) Ability to raise premiums
- 9) Marketing method
- 10) Underwriting procedures
- 11) Claims adjustment procedures
- 12) Waiting period
- 13) Maximum benefit
- 14) Availability of eligible facilities
- 15) Margins in claim costs
- 16) Optional nature of benefit
- 17) Delay in eligibility for benefit
- 18) Inflation protection provisions
- 19) Guaranteed insurability option

- b) The valuation morbidity table shall be accompanied by a statement declaring it as appropriate as a statutory valuation table by a member of the American Academy of Actuaries.

- c) When traditional long-term care benefits are provided other than as in subsection (a) above, reserves shall be determined in accordance with Section 353a of the Illinois Insurance Code (~~###-Rev-Stat-1991, ch-737-par-965a~~) [215 ILCS 5/353a].

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.122 Standards for Marketing

- a) Every insurer, as defined herein, marketing traditional long-term care insurance coverage in this State, directly or through its producers, shall:

- 1) Establish marketing procedures and producer training requirements to assure that any comparison of policies by its producers will

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be accurate.

- A) Any marketing activities, including any comparison of policies, by its agents or other producers will be fair and accurate; and
 - B) Establish marketing procedures to assure that excessive insurance is not sold or issued.
- 29) Display prominently by type or stamp on the first page of the outline of coverage and policy the following: "NOTICE TO BUYER: THIS POLICY MAY NOT COVER ALL THE COSTS ASSOCIATED WITH LONG-TERM CARE INCURRED BY THE BUYER DURING THE PERIOD OF COVERAGE. THE BUYER IS ADVISED TO REVIEW CAREFULLY ALL POLICY LIMITATIONS."
- 3) Provide copies of the disclosure forms required in Section 2012.62(c) and Exhibits F and I to the applicant.
- 4) Inquire of a prospective applicant or enrollee for traditional long-term care insurance whether they already have accident and sickness or traditional long-term care insurance and the types and amounts of any such insurance, except that in the case of a qualified traditional long-term care insurance contract, an inquiry into whether a prospective applicant or enrollee for traditional long-term care insurance has accident and sickness insurance is not required.
- 5) Every insurer or entity marketing traditional long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.
- 6) The insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder of the Senior Health Insurance Program (SHIP) that such a program is available and the most current name, address and telephone number of the program. The current address and toll-free telephone number is 320 W. Washington Street, Springfield, Illinois 62767-0001, 1-800-548-9034.
- 7) For traditional long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to this Part.
- 8) Traditional long-term care insurance policies or certificates sold after July 1, 1995 that are not under the Illinois Long-Term Care Partnership Program shall include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY (CERTIFICATE) IS NOT APPROVED FOR MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY (CERTIFICATE) IS AN APPROVED TRADITIONAL LONG-TERM CARE POLICY (CERTIFICATE) UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS TRADITIONAL LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-800-252-8966."

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- 2) Provide an explanation of the contingent benefit upon lapse. In addition to the practices prohibited in Article XXVI, §§11-Rev-Stat-1997-ch-73-par-1028-et-seq-7 [215 ILCS 5/Art. XXVI], the following acts and practices are prohibited:
 - 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.
 - 2) High pressure tactics. Employing any method of marketing having the effect of, or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.
 - 3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.
 - 4) Misrepresentation. Misrepresenting a material fact in selling or offering to sell a traditional long-term care insurance policy.
- c) With respect to the obligations set forth in this subsection, the primary responsibility of an association when procuring traditional long-term care insurance shall be to educate its members concerning traditional long-term care issues in general so that its members can make informed decisions. Associations should provide information regarding traditional long-term care insurance policies or certificates to ensure that members of such associations receive a complete explanation of the features in the policies or certificates that are being sold by the insurer.
 - 1) The insurer shall file with this Department the following material:
 - A) The policy and certificate,
 - B) A corresponding outline of coverage, as referenced in Section 2012.130 and Exhibit C of this Part, and
 - C) All advertisements requested by the Department.
 - 2) The association shall disclose in any traditional long-term care insurance solicitation:
 - A) The specific nature and amount of the compensation arrangements (including all fees, commissions, administrative fees and other forms of financial support) that the association receives from the sale of the policy or certificate to its members, and
 - B) A brief description of the processes under which such policies and the insurer issuing such policies were selected.
 - 3) If the association and the insurer have interlocking directorates

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or trustee arrangements, the association shall disclose such fact to its members.

- 4) The board of directors of associations shall review and approve such insurance policies as well as the compensation arrangements made with the insurer.
- 5) The association shall also engage the services of a person with expertise in traditional long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies including its benefits, features, and rates and update such examination thereafter in the event of a material change.
- 6) No group traditional long-term care insurance policy or certificate may be issued to an association unless the insurer files with this Department the information required in this subsection.
- 7) The insurer shall not issue a traditional long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

d) The insurer shall provide producer training as follows:

- 1) The insurer shall provide written evidence to the Department of Insurance that procedures are in place to assure that no producer will be authorized to market, sell, solicit, or otherwise contact any person for the purpose of marketing a traditional long-term care policy or certificate unless the producer has completed ~~six~~ 67 hours of training on traditional long-term care insurance as prescribed in Exhibit E of this Part; the course shall be specifically titled "Traditional Long-Term Care Insurance Policy." The traditional long-term care course cannot be included as part of any other certified continuing education course; however, this course may satisfy a part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)]. Insurers and producers shall maintain evidence of completion of the hours of training required and shall provide proof of completion upon request. Such proofs of completion shall be in the format prescribed by 50 Ill. Adm. Code 3119.030, and shall be signed by the producer and the provider of the education attesting to the completion of the required training.

- 2) The required training hours referenced in subsection 2012.122(d)(1) above may qualify as part of the continuing education requirements of Section 494.1(c) of the Illinois Insurance Code [215 ILCS 5/494.1(c)] only if the training course has been certified under 50 Ill. Adm. Code 3119.30. Each educational provider shall submit its request for certification to the Director on a form prescribed by 50 Ill. Adm. Code 3119.030, Exhibit B at least 30 days prior to any course being offered. All educational providers and training courses

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qualifying for continuing education credit shall be renewed on an annual basis.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.123 Suitability

- a) This Section shall not apply to life insurance policies that accelerate benefits for traditional long-term care.
- b) Every insurer, health care service plan or other entity marketing traditional long-term care insurance (the "issuer") shall:
 - 1) Develop and use suitability standards to determine whether the purchase or replacement of traditional long-term care insurance is appropriate for the needs of the applicant;
 - 2) Train its insurance producers in the use of its suitability standards; and
 - 3) Maintain a copy of its suitability standards and make them available for inspection upon request by the Director.
- c) To determine whether the applicant meets the standards developed by the issuer:
 - 1) The insurance producer and issuer shall develop procedures that take the following into consideration:
 - A) The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;
 - B) The applicant's goals or needs with respect to traditional long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and
 - C) The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.
 - 2) The issuer, and where an insurance producer is involved, the insurance producer shall make reasonable efforts to obtain the information referenced in subsection (c)(1) of this Section. The efforts shall include presentation to the applicant, at or prior to application, of the "Traditional Long-Term Care Insurance Personal Worksheet". The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Exhibit F of this Part, in not less than ~~twelve~~ 12 point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the Director.
 - 3) A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer traditional group traditional long-term care

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- insurance to employees and their spouses.
- 4) The sale or dissemination outside the company or agency by the issuer or insurance producer of information obtained through the personal worksheet in Exhibit F of this Part is prohibited.
- d) The issuer shall use the suitability standards it has developed pursuant to this Section in determining whether issuing traditional long-term care insurance coverage to an applicant is appropriate.
- e) Insurance producers shall use the suitability standards developed by the issuer in marketing traditional long-term care insurance.
- f) At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Traditional Long-Term Care Insurance" shall be provided. The form shall be in the format found in Exhibit G of this Part, in not less than twelve- (12) point type.
- g) If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a suitability letter similar to the one found in Exhibit H of this Part. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.
- h) The issuer shall report annually to the Director the total number of applications received from residents of this State, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.124 Appropriateness of Recommended Purchase

In recommending the purchase or replacement of any traditional long-term care insurance policy or certificate, an insurance producer shall make efforts to determine the appropriateness of a recommended purchase or replacement.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.126 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates

If a traditional long-term care insurance policy or certificate replaces another traditional long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and

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probationary periods in the new traditional long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.127 Requirement to Offer Nonforfeiture Benefit

- a) No policy or certificate may be delivered or issued for delivery in this State unless the policy or certificate includes a written offer at the time of issue for nonforfeiture benefits to the defaulting or lapsing policyholder or certificate holder. This Section does not apply to life insurance policies or riders containing accelerated traditional long-term care benefits. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in Section 2012.127(c).
- b) After the effective date of this amended Section, if the offer of a nonforfeiture benefit is rejected, the insurer shall provide the contingent benefit upon lapse as follows:

- 1) The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%

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64	54½
65	50½
66	48½
67	46½
68	44½
69	42½
70	40½
71	38½
72	36½
73	34½
74	32½
75	30½
76	28½
77	26½
78	24½
79	22½
80	20½
81	19½
82	18½
83	17½
84	16½
85	15½
86	14½
87	13½
88	12½
89	11½
90 and over	10½

2) On or before the effective date of a substantial premium increase as defined in Section 2012.127(b)(1), the insurer shall:

- A) Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;
 - B) Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of Section 2012.127(c). This option may be elected at any time during the 120-day period referenced in Section 2012.127(b)(1); and
 - C) Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in Section 2012.127(b)(1) shall be deemed to be the election of the offer to convert in Section 2012.127(b)(2)(B).
- 3) In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.
- c) Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are described as follows:

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- 1) For purposes of this Section, attained age rating is defined as a schedule of premiums starting from the issue date which increases with increasing age at least 1½ one-percent per year prior to age fifty--½ 50½, and at least 3½ three-percent per year beyond age fifty--½ 50½.
- 2) For purposes of this Section, the offered nonforfeiture benefit including the contingent benefit upon lapse shall be a shortened benefit period providing paid-up traditional long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subsection (c)(3) (b)(3) of this Section.
- 3) The standard nonforfeiture credit for an offered nonforfeiture benefit will be equal to 100 percent of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options, as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than thirty--½ 30½ times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection (d) (c) of this Section.
- 4) No policy or certificate which includes a nonforfeiture benefit shall begin a nonforfeiture benefit later than the end of the third year following the policy or certificate issue date except that, for a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of:
 - A) The end of the tenth year following the policy or certificate issue date; or
 - B) The end of the second year following the date the policy or certificate is no longer subject to attained age rating.
- 5) Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.
- db) All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would have been payable if the policy or certificate had remained in premium paying status.
- ec) There shall be no difference in the minimum nonforfeiture benefits which are offered under the requirements of this Section for group and individual policies.
- df) Except--as--provided--in--subsection--(b)(3)--of--this--Section--the requirements of this Section apply to any traditional long-term care policy--issued in this State--Under a group traditional long-term care insurance policy as defined in Section 2012.30--of--this--Part--which

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~~policy--was--in--force--at--the--time--this--Section--becomes--effective--the provisions--of--this--Section--shall--not--apply--~~

f) The requirements of this Section shall apply to any traditional long-term care policy issued in this State, except for:

- 1) Life insurance policies or riders containing accelerated long-term care benefits; or
- 2) A group traditional long-term care insurance policy that was in force at the time this amended Section becomes effective.

g) Premiums charged for a policy or certificate containing nonforfeiture benefits shall be subject to the loss ratio requirements of Section 2012.110 of this Part treating the policy as a whole.

h) To determine whether contingent nonforfeiture upon lapse provisions are triggered under Section 2012.127(b)(1), a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

i) A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

- 1) The nonforfeiture provision shall be appropriately captioned;
- 2) The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the Director for the same contract form; and
- 3) The nonforfeiture provision shall provide at least one of the following:
 - A) Reduced paid-up insurance;
 - B) Extended term insurance;
 - C) Shortened benefit period; or
 - D) Other similar offerings approved by the Director.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.128 Standards for Benefit Triggers

a) A traditional long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three--f 37 of the activities of daily living or the presence of cognitive impairment.

b) Insurers may use activities of daily living to trigger covered

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benefits as long as they are defined in the policy. Activities of daily living shall include but not be limited to the following, as defined in Section 2012.40 of this Part and in the policy:

- 1) Bathing;
- 2) Continence;
- 3) Dressing;
- 4) Eating;
- 5) Toileting; and
- 6) Transferring.

c) An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict, and are not in lieu of, the requirements contained in subsections (a) and (b) of this Section.

d) For purposes of this Section the determination of a deficiency shall not be more restrictive than:

- 1) Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
- 2) If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

e) Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

f) Traditional long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

g) The requirements set forth in this Section shall apply as follows:

- 1) Except as provided in subsection (g)(2) of this Section, the provisions of this Section apply to a traditional long-term care policy issued in this State.
- 2) For certificates issued under a traditional group traditional long-term care insurance policy as defined in Section 2012.30 of this Part, the provisions of this Section shall not apply.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.129 Standards for Benefit Triggers for Qualified Long-Term Care

a) A qualified traditional long-term care insurance contract shall pay only for qualified traditional long-term care services received by a chronically ill individual provided pursuant to a plan of care prescribed by a licensed health care practitioner, as defined in Section 2012.40.

b) A qualified traditional long-term care insurance contract shall condition the payment of benefits on a determination of the insured's inability to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity or to severe

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cognitive impairment.

- c) Certifications regarding activities of daily living and cognitive impairment required pursuant to subsection (b) of this Section shall be performed by a licensed health care practitioner, as defined in Section 2012.40.
- d) Certifications required pursuant to subsection (b) of this Section may be performed by a licensed health care practitioner at the direction of the carrier as is reasonably necessary with respect to a specific claim, except that when a licensed health care practitioner has certified that an insured is unable to perform activities of daily living for an expected period of at least 90 days due to a loss of functional capacity and the insured is in claim status, the certification may not be rescinded and additional certifications may not be performed until after the expiration of the 90 day period.
- e) Qualified traditional long-term care insurance contracts shall include a clear description of the process for appealing and resolving disputes with respect to benefit determinations.

(Source: Added at 25 Ill. Reg. _____, effective _____)

Section 2012.130 Standard Format Outline of Coverage Requirements

This Section implements, interprets and makes specific the provisions of Section 351A-8 of the Illinois Insurance Code (Ill.-Rev.Stat.-1997--ch--79, par--963A-8) [215 ILCS 5/351A-8] in prescribing a standard format and the content of an outline of coverage.

- a) The outline of coverage shall be a free-standing document, using no smaller than ten point type.
- b) The outline of coverage shall contain no material not contained within the policy itself.
- c) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
- d) Use of the text and sequence of text of the standard format outline of coverage is mandatory.
- e) The standard format, including style, arrangement and overall appearance, and the content of an outline of coverage appears in Exhibit C of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.140 Requirement to Deliver Shopper's Guide

- a) A traditional long-term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the Director shall be provided to all

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prospective applicants of a traditional long-term care insurance policy or certificate.

- 1) In the case of an insurance producer solicitations, a producer must deliver the shopper's guide prior to the presentation of an application or enrollment form.
- 2) In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.
- b) Life insurance policies or riders containing accelerated traditional long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under Section 2012.60(f)(1) of this Part.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.150 Penalties

In addition to any other penalties provided by the laws of this State any insurer and any insurance producer found to have violated any requirement of this State relating to the regulation of traditional long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three--t 3) times the amount of any commissions paid for each policy involved in the violation or up to \$10,000, whichever is greater.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT A Replacement Notice for Other Than Direct Response Solicitations

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

[Insurance Company Name and Address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or traditional long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [Company Name] Insurance Company. Your new policy provides ~~ten--t~~ 10+ days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness or traditional long-term care insurance coverage you have, and terminate your policy only if, after due consideration, you find that purchase of this traditional long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [BROKER OR OTHER REPRESENTATIVE]: (Use additional sheets as necessary)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
3. If you are replacing existing traditional long-term care insurance coverage you may wish to secure the advice of your present insurer or its insurance producer regarding the proposed replacement of your

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present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

(Signature of Insurance Producer, Broker or Other Representative Agent)
[Type Name and Address of Insurance Producer or Other Representative of Agent or Broker]

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT B Replacement Notice for Direct Response Solicitations

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR
LONG-TERM CARE INSURANCE

[Insurance Company's Name and Address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or traditional long-term care insurance and replace it with the traditional long-term care insurance policy delivered herewith issued by [Company Name] Insurance Company. Your new policy provides thirty-t 30t days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it will all accident and sickness or traditional long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this traditional long-term coverage is a wise decision.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probation periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
3. If you are replacing existing traditional long-term care insurance coverage you may wish to secure the advice of your present insurer or its insurance producer regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate you present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the

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application could cause an otherwise valid claim to be denied. Carefully check the application and write to [Company Name and Address] within thirty-t 30t days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT C Standard Format Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

TRADITIONAL LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Traditional long-term care insurance policies or certificates sold after July 1, 1995 that are not under the Illinois Long-Term Care Partnership Program shall include a statement on the outline of coverage, the policy or certificate application, and the front page of the policy or certificate in bold type and in a separate box as follows: "THIS POLICY (CERTIFICATE) IS NOT APPROVED FOR MEDICAID ASSET PROTECTION UNDER THE ILLINOIS LONG-TERM CARE PARTNERSHIP PROGRAM. HOWEVER, THIS POLICY (CERTIFICATE) IS AN APPROVED TRADITIONAL LONG-TERM CARE POLICY (CERTIFICATE) UNDER STATE INSURANCE REGULATIONS. FOR INFORMATION ABOUT POLICIES AND CERTIFICATES APPROVED UNDER THE ILLINOIS TRADITIONAL LONG-TERM CARE PARTNERSHIP PROGRAM, CALL THE SENIOR HELPLINE AT THE DEPARTMENT ON AGING AT 1-800-252-8966."

Caution: The issuance of this traditional long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If for any reason any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy

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or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. FEDERAL TAX CONSEQUENCES

This [POLICY] [CERTIFICATE] is intended to be a federally tax-qualified traditional long-term care insurance contract within the meaning of the Internal Revenue Code of 1986, as amended (26 USC 7702B(b)).

OR

Federal Tax Implications of this [POLICY] [CERTIFICATE]. This [POLICY] [CERTIFICATE] is not intended to be a federally tax-qualified traditional long-term care insurance contract within the meaning of the Internal Revenue Code of 1986 as amended (26 USC 7702B(b)). Benefits received under the [POLICY] [CERTIFICATE] may be taxable as income.

4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

a) For traditional long-term care health insurance policies or certificates include one of the following permissible policy renewability provisions:

1) Policies and certificates that are guaranteed renewable shall contain the following statement: RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy [certificate], to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

2) Policies and certificates that are noncancellable shall contain the following statement: RENEWABILITY: THIS POLICY IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

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- b) For group coverage, specifically include continuation/conversion provisions applicable to the certificate and group policy;
- c) Include waiver of premium provisions or state that there are no such provisions;
- d) ~~State whether or not the company has a right to change premium and--if--such--right--exists--include--each--circumstance--under--which--premium--may--change--~~

5. TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS. [In bold type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the premium, and if a right exists, describe clearly and concisely each circumstance under which the premium may change.]

64. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

- a) [Provide a brief description of the right to return -- "free look" provision of the policy.]
- b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

75. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

- a) [For insurance producers] Neither [insert company name] nor its insurance producers represent Medicare, the federal government or any state government.
- b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

86. TRADITIONAL LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity

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benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

27. BENEFITS PROVIDED BY THIS POLICY.

- a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]
- b) [Institutional benefits, by skill level.]
- c) [Non-institutional benefits, by skill level.]
- d) Eligibility for Payment of Benefits.

[Activities of daily living and cognitive impairment shall be used to measure an insured's need for traditional long-term care and must be defined and described as part of the outline of coverage.]

[Any additional benefit triggers must also be explained in this Section. If these benefit triggers differ for different benefits, explanation of the triggers should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified.]

100. LIMITATIONS AND EXCLUSIONS.

[Describe:

- a) Preexisting conditions;
- b) Non-eligible facilities/provider;
- c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- d) Exclusions/exceptions;
- e) Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (8) ~~46~~ above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

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119. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the cost of traditional long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- a) That the benefit level will not increase over time;
- b) Any automatic benefit adjustment provisions;
- c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

1210. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

1311. PREMIUM.

- [a] State the total annual premium for the policy;
- b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

1412. ADDITIONAL FEATURES.

- [a] Indicate if medical underwriting is used;
- b) Describe other important features.]

15. CONTACT THE STATE SENIOR HEALTH INSURANCE ASSISTANCE PROGRAM IF YOU HAVE GENERAL QUESTIONS REGARDING TRADITIONAL LONG-TERM CARE INSURANCE. CONTACT THE INSURANCE COMPANY IF YOU HAVE SPECIFIC QUESTIONS REGARDING YOUR TRADITIONAL LONG-TERM CARE INSURANCE POLICY OR CERTIFICATE.

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16. A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a 20 year period.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012. EXHIBIT D Rescission Reporting Format
RESCISSION REPORTING FORMS FOR
TRADITIONAL LONG-TERM CARE POLICIES
FOR THE STATE OF ILLINOIS
FOR THE REPORTING YEAR 20() 19(---)

Company Name: _____
Address: _____
Phone Number: _____

Due: June 30 annually

Instructions:

The purpose of this form is to report all rescissions of traditional long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one form per rescission.

Policy Form #	Policy Certificate #	Name of Insured	Date of Policy Issuance	Claim/s Submitted	Date of Rescission
---------------	----------------------	-----------------	-------------------------	-------------------	--------------------

Detailed reason for rescission:

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Signature _____
Name and Title (please type) _____
Date _____

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT E Class of Insurance - Accident and Health

Course of Study Content Requirements for a course entitled "Traditional Long-Term Care Insurance Policy":

- Reasons for the interest in traditional long-term care
- Sources for providing traditional long-term care
- Medicaid
- Life-Care facilities
- Insurance policies providing traditional long-term care coverage

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.EXHIBIT F Traditional Long-Term Care Insurance Personal Worksheet

People buy traditional long-term care insurance for many reasons. Some don't want to use their own assets to pay for traditional long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But traditional long-term care insurance may be expensive, and may not be right for everyone.

The company will ask you to fill out this worksheet to help you and the company decide if you should buy this policy. By State law, the insurance company must fill out part of the information on this worksheet. By state law, the insurance company must ask you to fill out this worksheet to help you and the company decide if you should buy this policy.

Premium Information

Policy Form Number(s) _____

The premium for the coverage you are considering will be [\$ _____ per month, or \$ _____ per year] [a one-time single premium of \$ _____.]

Type of Policy (nuncancellable/quaranteed renewable): _____

The Company's Right to Increase Premiums:

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums on this policy form in the future, provided it raises rates for all policies in the same class in this State.] [Insurers shall use appropriate bracketed statement. Rate guarantees shall not be shown on this form.] The company has sold traditional long-term care insurance since _____ and has sold this policy since _____. [The last rate increase for this policy in this state was in _____ when premiums went up by an average of _____%.] [The company has not raised its rates for this policy.]

The issuer shall use the bracketed sentence or sentences applicable to the product offered. If a company includes a statement regarding not having raised rates, it must disclose the company's rate increases under prior policies providing essentially similar coverage. The issuer may include rate information for up to two policy forms if the issuer has not changed rates on either policy or for prior policies providing essentially similar coverage.

Rate Increase History

The company has sold traditional long-term care insurance since [year] and has sold this policy since [year]. [The company has never raised its rates for any traditional long-term care policy it has sold in this State or any other state.] [The company has not raised its rates for this policy form or similar policy forms in this State or any other State in the last 10 years.] [The

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company has raised its premium rates on this policy form or similar policy forms in the last 10 years. Following is a summary of the rate increases.]

The issuer shall list each premium increase it has instituted on this or similar policy forms in this State or any other state during the last 10 years. The list shall provide the policy form, the calendar years the form was available for sale, and the calendar year and the amount (percentage) of each increase.

The insurer shall provide minimum and maximum percentages if the rate increase is variable by rating characteristics. The insurer may provide, in a fair manner, additional explanatory information as appropriate.

Questions Related to Your Income

How will you pay each year's premium?

From my Income From my Savings/Investments My Family will Pay

[Have you considered whether you could afford to keep this policy if the premiums were raised, for example, by 20%?]

The issuer shall use the bracketed sentence unless the policy is fully paid-up or is a noncancellable policy.

Income

Where will you get the money to pay each year's premiums?

Income Savings Family members

What is your annual income? (check one)

Under \$10,000 \$10-20,000 \$20-30,000
\$30-50,000 Over \$50,000

How do you expect your income to change over the next 10 years?

(check one) No change Increase Decrease

If you will be paying premiums with money received only from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Will you buy inflation protection? (check one) Yes No

If not, have you considered how you will pay for the difference between future costs and your daily benefit amount?

From my income From my Savings/Investments My Family will Pay

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The national average annual cost of care in [insert year] was [insert \$ amount], but this figure varies across the country. In ten years the national average annual cost would be about [insert \$ amount] if costs increase 5% annually.

What elimination period are you considering? Number of days Approximate cost \$ for that period of care.

How are you planning to pay for your care during the elimination period? (check one)

From my income From my Savings/Investments My Family will Pay

Questions Related to Your Savings and Investments

Savings and Investments

Not counting your home, about how much are all of your assets (your savings and investments) worth what is the approximate value of all of your assets (savings and investments)? (check one)

Under \$20,000 \$20,000-\$30,000 \$30,000-\$50,000 Over \$50,000

How do you expect your assets to change over the next ten years?

(check one) Stay about the same Increase Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your traditional long-term care.

Disclosure Statement

The answers to the questions above describe my financial situation.

Or I choose not to complete this information.

(check one)

I acknowledge that the carrier and/or its agent (below) has reviewed this form with me including the premium, premium rate increase history and potential for premium increases in the future. [For direct mail situations, use the following: I acknowledge that I have reviewed this form including their premium, premium rate increase history and potential for premium increases in the future.] I understand the above disclosures. I understand that the rates for this policy may increase in the future. [This box must be checked].

The information provided-----I choose not to complete above accurately describes my-----this information financial situation.

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Signed: January 6, 1998

(Applicant) _____ (Date)

[_ I explained to the applicant the importance of completing this information.

Signed: _____ (Insurance Producer) _____ (Date)

Insurance Producer's Agent's Printed Name: _____]

[Note: In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My insurance producer has advised me that this policy does not appear to be suitable for me. However, I still want the company to consider my application.]

Signed: _____ (Applicant) _____ (Date)

Choose the appropriate sentences depending on whether this is a direct mail or insurance producer sale.

The company may contact you to verify your answers.

When the Traditional Long-Term Care Insurance Personal Worksheet is furnished to employees and their spouses under employer group policies, the text from the heading "Disclosure Statement" to the end of the page may be removed.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 2012.EXHIBIT G Things You Should Know Before You Buy Traditional Long-Term Care Insurance

Traditional Long-Term Care Insurance . A traditional long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

[You should not buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

For single premium policies, delete this bullet; for noncancellable policies, delete the second sentence only.

• The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare . Medicare does not pay for most traditional long-term care.

Medicaid . Medicaid will generally pay for traditional long-term care if you have very little income and few assets. You probably should not buy this policy if you are now eligible for Medicaid.

• Many people become eligible for Medicaid after they have used up their own financial resources by paying for traditional long-term care services.

• When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

• Your choice of traditional long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or State Medicaid agency.

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Shopper's Guide

Make sure the insurance company or insurance producer gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Traditional Long-Term Care Insurance." Read it carefully. If you have decided to apply for traditional long-term care insurance, you have the right to return the policy within 30 days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

Counseling

Free counseling and additional information about traditional long-term care insurance is available through your State's insurance counseling program. Contact your State insurance department or Department on Aging for more information about the senior health insurance counseling program in your State.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT H Traditional Long-Term Care Insurance Suitability Letter

Dear [Applicant]:

Your recent application for traditional long-term care insurance included a "personal worksheet", which asked questions about your finances and your reasons for buying traditional long-term care insurance. For your protection, State law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that traditional long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your State insurance department also has information about traditional long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

_ Yes, [although my worksheet indicates that traditional long-term care insurance may not be a suitable purchase,] I wish to purchase this coverage. Please resume review of my application.

Delete the phrase in brackets if the applicant did not answer the questions about income.

_ No. I have decided not to buy a policy at this time.

APPLICANT'S SIGNATURE

DATE

Please return to [issuer] at [address] by [date].

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(Source: Amended at 25 Ill. Reg. _____, effective _____)

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Section 2012.EXHIBIT I Claims Denial Reporting Format

For the State of Illinois For the Reporting Year of: _____

Company Name: _____ Due: June 30 annually
Company Address: _____
Company NAIC Number: _____
Contact Person: _____ Phone Number: _____

Line of Business: _____ Individual _____ Group _____

Instructions

The purpose of this format is to report all traditional long-term care claim denials under in force traditional long-term care insurance policies. "Denied" means a claim that is not paid for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition.

	State Data	Nationwide Data
1	Total Number of Traditional Long-Term Care Claims Reported	
2	Total Number of Traditional Long-Term Care Claims Denied/Not Paid	
3	Number of Claims Not Paid due to Preexisting Condition Exclusion	
4	Number of Claims Not Paid due to Waiting (Elimination) Period Not Met	
5	Net Number of Traditional Long-Term Care Claims Denied for Reporting Purposes (Line 2 Minus Line 3 Minus Line 4)	
6	Percentage of Traditional Long-Term Care Claims Denied of Those Reported (Line 5 Divided By Line 1)	
7	Number of Traditional Long-Term Care Claims Denied due to:	
8	• Traditional Long-Term Care Services Not Covered under the Policy ²	
9	• Provider/Facility Not Qualified under the Policy ³	
10	Benefit Eligibility Criteria Not Met ⁴	
11	• Other	

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- (1) The nationwide data may be viewed as a more representative and credible indicator where the data for claims and denied for your state are small in number.
- (2) Example - home health care claim filed under a nursing home only policy.
- (3) Example - a facility that does not meet the minimum level of care requirements or the licensing requirements as outlined in the policy.
- (4) Example - a benefit trigger not met, certification by a licensed health care practitioner not provided, no plan of care.

(Source: Added at 25 Ill. Reg. _____, effective _____)

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Section 2012. EXHIBIT J Potential Rate Increase Disclosure

Instructions:

This form provides information to the applicant regarding premium rate schedules, rate schedule adjustments, potential rate revisions, and policyholder options in the event of a rate increase.

Insurers shall provide all of the following information to the applicant:

Traditional Long-Term Care InsurancePotential Rate Increase Disclosure Form

1. [Premium Rate] [Premium Rate Schedules]: [Premium rate] [Premium rate schedules] that [is] [are] applicable to you and that will be in effect until a request is made and [filed] [approved] for an increase [is] [are] [on the application] [\$].

2. The [premium] [premium rate schedule] for this policy [will be shown on the schedule page of] [will be attached to] your policy.

3. Rate Schedule Adjustments:

The company will provide a description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.) (fill in the blank): _____.

4. Potential Rate Revisions:

This policy is Guaranteed Renewable. This means that the rates for this product may be increased in the future. Your rates can NOT be increased due to your increasing age or declining health, but your rates may go up based on the experience of all policyholders with a policy similar to yours.

If you receive a premium rate or premium rate schedule increase in the future, you will be notified of the new premium amount and you will be able to exercise at least one of the following options:

- Pay the increased premium and continue your policy in force as is.
- Reduce your policy benefits to a level such that your premiums will not increase.
- (Subject to state law minimum standards.)
- Exercise your nonforfeiture option if purchased. (This option is available for purchase for an additional premium.)
- Exercise your contingent nonforfeiture rights.* (This option may be available if you do not purchase a separate nonforfeiture option.)

* Contingent Nonforfeiture

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If the premium rate for your policy goes up in the future and you didn't buy a nonforfeiture option, you may be eligible for contingent nonforfeiture. Here's how to tell if you are eligible:

- Your premium after the increase exceeds your original premium by the percentage shown (or more) in the following table; and
- You lapse (not pay more premiums) within 120 days of the increase.

The amount of coverage (i.e., new lifetime maximum benefit amount) you will keep will equal the total amount of premiums you've paid since your policy was first issued. If you have already received benefits under the policy, so that the remaining maximum benefit amount is less than the total amount of premiums you've paid, the amount of coverage will be that remaining amount.

Except for this reduced lifetime maximum benefit amount, all other policy benefits will remain at the levels attained at the time of the lapse and will not increase thereafter.

Should you choose this Contingent Nonforfeiture option, your policy, with this reduced maximum benefit amount, will be considered "paid-up" with no further premiums due.

Example:

- You bought the policy at age 65 and paid the \$1,000 annual premium for 10 years, so you have paid a total of \$10,000 in premiums.
- In the eleventh year, you receive a rate increase of 50%, or \$500 for a new annual premium of \$1,500, and you decide to lapse the policy (not pay any more premiums).
- Your "paid-up" policy benefits are \$10,000 (provided you have at least \$10,000 of benefits remaining under your policy.)

Contingent Nonforfeiture
Cumulative Premium Increase over Initial Premium
That qualifies for Contingent Nonforfeiture

(Percentage increase is cumulative from date of original issue. It does NOT represent a one-time increase.)

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%

60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

(Source: Added at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Duck, Goose and Coot Hunting

2) Code Citation: 17 Ill. Adm. Code 590

3) Section Numbers:

590.10	<u>Proposed Action:</u>
590.15	Amendment
590.20	Amendment
590.25	Repeal
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.80	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20, 2.23, 3.3, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update shot size requirements and hunting hours, repeal Section 590.25 (regulations on youth hunts have been incorporated into Part 685), update site specific information, and list sites being opened and closed.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 590

DUCK, GOOSE AND COOT HUNTING

Section

590.10 Statewide Regulations
590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed sites Listed in Sections 590.40 and 590.50
590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
590.25 Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26 Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
590.70 Ohio River
590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; preemptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill.

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Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. _____, effective _____.

Section 590.10 Statewide Regulations

a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird

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Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code.

- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations.
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than Bismuth BB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, tungsten-nickel-iron (HEVI-SHOT) B, or tin BB (if authorized via Federal Register) when attempting to take waterfowl.

f) Emergency Closure

The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

g) Closed Areas

Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted.

h) Commercial Migratory Waterfowl Hunting Area Permits

- 1) The holder of a permit shall forward information on harvest and hunters to the Department, by phone or on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years.

- 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that not more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

- 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.

i) Waterfowl Hunting Zones:

- 1) North Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S.

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Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

- 2) Northern Illinois Quota Zone - DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.

- 3) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, north and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.

- 4) Central Illinois Quota Zone - Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.

- 5) South Zone - From the southern boundary of the Central Zone south to the remainder of the State.

- 6) Rend Lake Quota Zone - all lands and waters in Franklin and Jefferson Counties.

- 7) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will.

- 8) Southern Illinois Quota Zone - Alexander, Union, Williamson, and Jackson Counties.

- j) No person during the open season shall take or attempt to take wild geese prior to 1/2 hour before sunrise nor after sunset. In the Rend Lake Canada Goose Quota Zone (RLQZ) and Southern Illinois Quota Zone (SIQZ) no person shall take or attempt to take wild geese after except-between-legal-opening-and the hour of 3:00 p.m. except during the last three days of the Canada goose season, and during any goose seasons that occur after the Canada goose season, hunting hours in the RLQZ and SIQZ shall close at sunset daily, and during any Canada Goose Season set in September, hunting hours shall close daily at sunset. During and---during special light goose seasons as indicated in subsection (n), statewide hunting hours shall be 1/2 hour before sunrise to 1/2 these-at-one-half hour after sunset daily.

- k) On any property where the principal waterfowl harvest is wild geese in the Rend Lake Quota Zone and the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season.

- 1) The following apply in the Northern, Central and Southern Illinois Quota Zones:

- 1) It is unlawful to hunt Canada geese during seasons after

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September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.

2) Immediately upon taking possession of a harvested Canada goose, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.

3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.

m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license.

n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50

a) Definitions

1) Blind site - A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department of Natural Resources.

2) Blind builder - Person who has been assigned a blind site as a result of the drawing.

3) Blind partner - Persons chosen by the builder to assist in construction and maintenance of the blind and to share its claiming and hunting privileges.

4) Drawing - Procedure by which blind sites are assigned.

5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.

6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.

7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

8) Dog Hide - A compartment or area within or attached to a blind

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that houses a dog used to retrieve downed waterfowl.

b) Blind Construction

1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department of Natural Resources shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, seven days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.

5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days of the blind drawing date. Failure to do so shall result in forfeiture of blind.

6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.

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7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.

8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).

9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with two openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.

c) Use of blinds

1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.

2) No person shall hunt, or attempt to hunt, except from within a registered blind.

3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.

4) Blinds shall not be locked.

5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.

6) No person shall fish within 250 yards of an occupied blind within the hunting area.

7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be

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at least 8 inches long, and not be within a boat, blind or container.

8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

d) Public Drawing

1) Time and place for all sites holding drawings shall be publicly announced by the Department of Natural Resources.

2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois Hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have a Firearm Owner's Identification Card must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

e) Flood Rules

In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:

1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.

2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.

3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal

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closing hours for the site.

- 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.

f) Spectator Hunts

if by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites which, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area

Sangchris Lake State Park subimpoundment

Snake Den Hollow State Fish and Wildlife Area

Union County Conservation Area

b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting

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partner or one non-hunting partner or two non-hunting partners (three persons per blind but not more than two hunters per blind) for Snake Den Hollow State Fish and Wildlife Area and Union County, or three partners (hunters or non-hunters; four persons per blind) for Banner Marsh and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.

- 4) Permits are not transferable.
5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office - Waterfowl
P.O. Box 19457
Springfield, IL 62794-9457

c) General regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snake Den Hollow from October 1 through close of Central Zone Canada goose season.

2) Hours, Permits and Stamp Charges

- A) Hunting hours are from legal opening time until 1:00 p.m.
B) At Snake Den Hollow from opening day through November 30, all December 1-14, hunters must register with permit reservations are required to check-in at the check station by between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through December 31, the close of goose season, all hunters must register with permit reservations are required to check-in at the check station by between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.

- C) A \$15 Daily Usage Stamp must be purchased at Snake Den Hollow State Fish and Wildlife Area and Union County Conservation Area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.

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- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Union County Conservation Area is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (This site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25.)
- 6) The legal hunting season at Snake Den Hollow is the dates of the Central Zone goose hunting zone except that the area shall be closed on Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh is the dates of the central zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake subimpoundment is the opening day of the Central Zone Duck Hunting Season, Tuesdays, Thursdays and Sundays, Saturdays and the last day of the Central Zone Duck Hunting Season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(32)(B)).
- 9) Hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit at Snake Den Hollow.
- 10) At Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 11) At Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed.
- 12) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Union County Conservation Area.
- 13) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.25 Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)

- a) State-sites-covered-in--this-Section-which-allow-hunting-by-permit only-are:

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Bonnetley-State-Wildlife-Area

Horseshoe-Lake-Conservation-Area-(Alexander-County)

Union-County-Conservation-Area

b) Permit-Requirements

- 1) Permit-reservations-shall-be-accepted--starting-in--September--Initial-acceptance-dates-shall-be-publicly-announced--Applicants must-be-between-the-ages-of-10-15-on-the-date-of-the-hunt-
- 2) Only-one-permit-per-person-shall-be-issued-for-the-hunt-on-the first-weekday-after-December-26-other-than-a-Monday-at-Horseshoe Lake-Conservation-Area--(Alexander--County)--and--Union--County Conservation--Area--and-on-the-Sunday-immediately-preceding-the first-firearm-deer-season-as-set-forth-in-17--Ill--Adm--Code 650-10-at-Bonnetley-State-Wildlife-Area-
- 3) The-permit-shall-be-for-the-use-of-the-entire-blind-and-it-shall be-the-responsibility-of-the-permit-holder-to-bring---one supervising-adult-who-may-also-hunt-
- 4) Permit-reservations-and-transferability-
- A) All-duplicate-permit-reservations-shall-be-rejected-and-the hunter-shall-forfeit-his-rights-to-a-permit---Permits-are not-transferable--Previous-participants-are-ineligible-to apply-for-a-permit-
- B) For-other-information-write-to:
- Illinois-Department-of-Natural-Resources
Youth-Waterfowl-Hunt
524-S--Second-Street--Room-210
P.O.-Box-19457
Springfield--IL--62794-9457
- 5) Permits-for-the-Illinois-Youth-Waterfowl-Hunt--shall-be-issued from-the-Springfield-Permit-Office
- c) General--waterfowl--hunting-regulations-at-the-Youth-Waterfowl-Hunting Areas-
- 1) Hours--Permits-and-Stamp-Charges
- A) Hunting-hours-at-Horseshoe-Lake-(Alexander-County)-and-Union County-are-from-legal-opening-until-1:00-p.m.-on-the-day-of the--Youth-Goose-Hunt---Hunting-hours-at-Bonnetley-State Wildlife-Area-are-from-statewide-opening-to-1:00-p.m.-on-the day-of-the-youth-waterfowl-hunt-
- B) Hunters-with--Illinois--Youth--Waterfowl--Hunt--permit reservations--are--required-to-check-in-at-the-check-station between-5:00-a.m.-and-5:30-a.m.-permits-are-void-after-5:30 a.m.--A-drawing-shall-be-held-to-allocate-blind-sites-
- C) There-is-no-fee-for-the--Illinois--Youth--Waterfowl--Hunting Permit-
- 2) Hunting--must-be-done-from-assigned-blinds-only-and-hunters-shall not-move-from-blind-to-blind-or-leave-the-blind-and-return-

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- 3) ~~Guns must be unloaded and encased at all times when not hunting.~~
- 4) ~~At Union County Conservation Area--Horseshoe Lake--Conservation Area--(Alexander County)--each youth shall not possess more than 25 shells--Each adult shall not possess more than 5 shells--for each--Canada--goose--allowed in--the daily bag--Hunters without their guns may leave the blind to retrieve crippled waterfowl--Each youth and supervising adult may be accompanied by a non-hunting guide.~~
- 6) ~~At Rend Lake, hunters participating in the youth hunt must sign in and out--no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.~~

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

Section 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.

- 1) Anderson Lake Conservation Area - All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
- 2) Batchtown (3:30 p.m. CST closing; Central Standard Time (CST)) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset); 3 year blind allocation period)
- 5) Godar Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park - Madison County (3:30 p.m. CST closing); (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation)
- 7) the exclusion of Christmas Day; 3 year blind allocation)
- 8) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blind; previous year's blind builders

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- shall have until February 1 to salvage blind materials) Marshall County Conservation Area--(previous years blind builders shall have until February 1 to salvage blind materials)--Spring Branch Unit
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake (previous years blind builders shall have until February 1 to salvage blind materials; during the waterfowl season, the maximum horsepower limit for outboard motors on the lake is 25 h.p.; no goose hunting prior to duck season)
- 13) Stump Lake (3--year--blind--allocation--period; 3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3-year blind allocation period)
- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials) Woodford County Fish and Wildlife Area--(previous--year's--blind--builders have until February 1 to salvage blind materials)
- 15) William Powers Conservation Area (legal closing) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must check in prior to occupying blind and must check out no later than one hour after legal closing time)

- b) The following regulations apply to all sites listed in this Section under subsection (a):

- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and

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- report their harvest at the end of each day's hunt.
- 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
 - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
 - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or firearm Owner's Identification Cards shall be returned.
 - 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
 - 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season.
 - 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
 - 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
 - 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m. - 1:00 p.m.) after which time the area shall be closed to additional hunters.
 - 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.
 - 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed

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period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

Blanding Wildlife Area (Federal Lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)

Boston Bay (No permanent blinds may be built; temporary blinds only; 200 yards apart)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (one year blind allocation)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

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Helmbold Slough (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Illinois River - Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than ten days after the close of the northern zone waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15)

Marshall County Conservation Area - Sparland Unit (Department Owned Land; previous years blind builders shall have until February 1 to salvage blind materials)

Sinissippi River Pool 16 (Federal Lands; no permanent blinds--temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; two year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind

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allocation period)

Monomee Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; area closed Mondays, Wednesdays, Thursdays and Fridays, except hunting is permitted on the opening day of duck season; no hunting during firearm deer seasons)

Pekin Lake (Department Owned Land) (Hunting allowed from registered blinds or within 10 feet of staked blind sites if blinds cannot be built)

Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, and Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period)

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone Canada goose season is open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

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Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15; hunting from boat blinds within 10 feet of marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

b) The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time, ~~except on--the--statewide--youth-waterfowl-hunting-day--as-authorized-in Section-590.15(f)-5-persons-may-occupy-a-blind-at-one-time--only if--the--party-is-comprised-of-2-youth-hunters--their-non-hunting parents-and-one-non-hunting-guide--and except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.~~
- 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished either in person or through the mail during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No

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waterfowl blind may be removed until after the close of the waterfowl season.

- 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.

- 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.

- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Redwing Slough/Deer Lake

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

a) Regulations

- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated with by (1) following the location in subsection (b).
- 2) No permanent blinds allowed; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end of the day's hunt.
- 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.

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- 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
- 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
- 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from two weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
- 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise ~~as~~ posted at the site.

b) Site specific regulations

- 1) Cache River State Natural Area (1)
- 2) Campbell Pond Wildlife Management Area (1)
- 3) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
 - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
 - C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department of Natural Resources personnel will designate boat launching locations.
 - D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Natural Resources personnel shall post that the area is open to boats with motors of 10 HP or less and will designate boat launching locations.
 - E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.

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- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only
 - i) Three designated blind sites are available on a first-come, first-served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.

- 4) Chauncey Marsh (1)
 - Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 5) Clinton Lake (1)
 - A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.
 - B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the

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- Davenport Bridge.
- C) No more than 4 persons shall occupy or use a portable boat blind.
- D) Each hunting party is required to hunt over a minimum of 12 decoys.
- E) No hunting is permitted within 300 yards of power lines.
- 6) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
- B) Hunting from staked sites only.
- C) No permanent blinds.
- D) Hunting by boat access only.
- E) No cutting vegetation on site.
- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.
- 7) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)
- 8) Dog Island Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 9) Donnelley State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.
- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or two hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public - only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time **except-on-the-statewide--youth--Waterfowl--Hunting--Day--as**

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- authorized--in--Section--590-15(f)(7)--5--persons-may-occupy-a blind-at-one-time-only-if-the-party-is-comprised-of-2--youth hunters--their-non-hunting--parents--and--one-non-hunting guide.**
- I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This will consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 10) East Conant Field
Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- 11) Fort de Chartres Historic Site (1)
A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
- B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
- C) No hunting is allowed during firearm deer season.
- 12) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 13) Fox River
- A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
- B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis.
- 14) Freeman Mine
Hunting regulations will be publicly announced.
- 15) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake
- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting

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time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.

C) Access to water blind sites must be by boat only and from designated boat launch sites.

D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.

E) Upon vacating blind sites, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.

H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.

J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

K) Hunting is closed on Christmas Day and New Year's Day.

L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.

M) It is unlawful to shoot across any dike.

N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood

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Lakes waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

16) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season--~~except that no hunting is allowed until December-15.~~ Area is closed on Mondays, Tuesdays and December 24, 25, 26 and on the day of the Youth Goose Hunt (this site shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held at 5:00 a.m. at the check station each day hunting is allowed. For the drawing, hunters must register as a party; no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys. A maximum of 3 dozen decoys is allowed; no full bodied or supermagnum shell decoys are allowed.

G) Hunters must return to the check station and report their harvest by 2:00 p.m.

H) During duck season hunters may possess up to 25 shot shells. When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

17) Horseshoe Lake (Alexander County) Public Hunting Area

A) Closed to waterfowl hunting on Mondays and Tuesdays.

B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

18) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

19) Kaakaskia River Fish and Wildlife Area

A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.

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- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
- i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
 - ii) Only waterfowl, coot, archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
 - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first-come first-served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.
 - iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.
- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station after hunting.

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- 20) Kinkaid Lake Fish & Wildlife Area (1)
- 21) Lake Shelbyville (except for land/waters covered in subsection (b)(22) of this Section) (1)
- 22) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area
 - A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
 - B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons, except on the statewide-youth-waterfowl Hunting-Day-as-authorized-in-Section-599-15(f)--5--persons may-occupy-a-blind-at-one-time-only-if-the-party-is-comprised-of-2-youth-hunters-their-non-hunting-parents-and-one-non-hunting-guide. In addition, the following regulations shall apply:
 - i) All parties must hunt within 10 yards of their assigned stake.
 - ii) All parties must be in place by one-half hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(22)(A) and (B) above. Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois southern zone duck season, except as noted in subsections (b)(22)(A) and (B) above. A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the

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Strickland Boat Access north to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

23) Marshall State Fish and Wildlife Area - Duck Ranch Unit Only

- A) On days open to hunting, blind sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.

- B) Blinds not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.

- C) All hunting must be from a designated blind. Refilling or changing blinds is not permitted.

- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.

- E) No hunting on Monday, Wednesday, or Friday.

24)23) Meredosia Lake - Cass County Portion Only (meandered waters only)

- A) All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes.

- B) Hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes.

25)24) Mernett

- A) Waterfowl hunting shall be permitted only during the duck hunting season.

- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their

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hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held one hour prior to legal opening time.

- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.

- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

- G) Boats without motors may be used in the walk-in areas.

- H) No hunting Christmas Day.

26)25) Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. 90-minutes-prior-to-hunting-time.

- Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first-come, first-served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area.

- B) All-hunting-must-be-from-registered-blind-sites-only-and hunters-must-occupy-their-blinds-within-one-hour-after-registering-at-the-check-station-

- Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp.

- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.

- D) No more than 4 persons shall occupy a blind at one time.

- E) The west arm of the lake shall be closed to all waterfowl hunting.

- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.

- G) Hunters wishing to move to another vacant blind location

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may do so on a first-come, first-served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

H) Access to blind sites shall be by boat only and from the west side boat ramps.

I) All hunting must be from one portable blind or one anchored portable boat blind located within--a-numbered-cove--and between the assigned numbered stakes, no more than 10 yards from shore.

J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

K) No-pits-or-blinds-shall-be-built-on-State-lease-Ameren/GEIPS land.

L) Blind site: A position between two like numbered stakes where a blind may be located.

M) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.

N) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

O) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.

P) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

27) Oakford Conservation Area (1)

28) Ray Norbut State Fish and Wildlife Area (1)
Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.

29) Rend Lake Project Lands and Waters

A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.

B) No hunting permitted from the subimpoundment dams.

C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.

D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property

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boundary.

E) All boat traffic is prohibited from entering the subimpoundments from 1 week before waterfowl season until opening day of waterfowl season.

F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.

G) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:

i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.

ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.

iii) All hunters must have the registration card from the check station in their possession while hunting.

iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.

v) No more than 6 dozen decoys may be used per pit.

vi) No more than 4 hunters will be allowed in a pit or hunting party.

H) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

I) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.

J) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:

i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County line.

ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.

iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.

iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.

v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.

vi) Bounded on Nason Point by refuge boundary signs at

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- project limits.
- K) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- L) Staked Hunting Areas - Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located and only one hunting party may occupy a staked site at any given time.
 - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from 1/2 hour before drawing time to 9:30 a.m. daily.
 - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
 - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
 - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
 - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
 - vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.
- 30) 29) Saline County Conservation Area (1)
- A) Waterfowl hunting is allowed north of the township road only.

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- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting harvest at the end of each day.
- 31) 30) Sand Ridge State Forest (Sparks Pond Land and Water Reserve)
- (1)
 - A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
 - B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
 - C) Hunters must report harvest to site office.
 - 32) 31) Sanganois State Fish and Wildlife Area
 - A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
 - B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
 - C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
 - D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
 - E) Tomber's Hole is a walk-in area accessed by boat only. no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over, no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
 - F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
 - G) Upon the completion of hunting, hunters must report to the check station within one hour.
 - H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
 - I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
 - J) No person shall trespass on the Marion-Pickrel Waterfowl

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Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.

K)† When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

L)† No hunting permitted from the walk-in area subimpoundment levee.

M)† Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

33)3† Sangchris Lake State Park

A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.

B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)

C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.

D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(32)(J)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

G) No more than 4 persons shall occupy a blind at one time.

H) The center arm of the lake shall be closed to all waterfowl hunting.

I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is

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deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.

L) All hunting must be from 1 portable blind or 1 anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from 1 Department designated blind or pit.

M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

N) No unauthorized pits or blinds shall be built on State managed land.

O) Blind sites: A position between two like numbered stakes within a cove or other Department designated site where a blind may be located.

P) Fishing shall be prohibited in the east and west arms of the lake during the period from 14 to 48 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt (except at peninsula subimpoundments where only Department decoys may be used).

R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.

S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.

T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday

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Preceding the last day of the Canada goose season.

- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

33) Sato Field

Waterfowl hunters must obtain permit prior to--hunting--Permit must be returned by February 15--

- 34) Shawnee National Forest, Upper and Lower Bluff Lakes

Goose hunting is prohibited at Lower Bluff Lake.

- 35) Shawnee National Forest, LaRue Scatters

All hunting must be by walking in or in boats without motors.

- 36) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

A) All hunting must be by walking into the area.

- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

- 37) Sibelbeck Forest Natural Area (1)

- 38) Stephen A. Forbes State Park

A) On the main lake hunting is allowed from a boat blind only in the designated areas.

B) Only walk-in hunting is allowed in the subimpoundment.

C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

- 39) Ten Mile Creek Fish and Wildlife Area (1)

A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.

B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle River unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.

D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

- 40) Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

- 41) Union County (Firing Line Waterfowl Management Area)

A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order

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drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.

C) Access to blind sites is from Clear Creek Levee only.

D) All hunting must be from assigned blinds or within 30 feet of the assigned, numbered, hunter stake site.

E) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

F) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.

G) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d) and (e) with the following exceptions:

- 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
- 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
- 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
- 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an asterisk (*).
- 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.
- 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
- 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.

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- 8) During goose seasons held after Canada goose season, statewide hunting hours apply.

- b) The following sites will be opened to all goose hunting seasons:

Blanding Wildlife Area *

Cache River Natural Area *

Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area Water (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *

Chain O'Lakes State Park #

Chauncey Marsh (permit required, available at Red Hills State Park)

Des Plaines Conservation Area #

Dog Island Wildlife Management Area *

Fort de Chartres Historic Site

Horseshoe Lake State Park (Madison County) (snow goose season closes February 28) #

Kaskaskia River State Fish and Wildlife Area (applicable to Baldwin Lake waterfowl rest area only; hunting must occur within 10 yards of a numbered stake; one hunting party (maximum 4 hunters) per stake; no permanent blinds; for the first 4 weeks after the regular Canada goose season, stakes will be allocated via a drawing at the site office by mail; the application deadline and procedure for this drawing will be publicly announced; hunting hours, based on Baldwin Lake's public use hours, will be posted at gate)*

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall State Fish and Wildlife Area - Sparland and Duck Ranch Units *

Marshall State Fish and Wildlife Area - Spring Branch and Marshall Units * *

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) *

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Mississippi River Pools 16, 17 and 18 *

Mississippi River Pools 21, 22, and 24 *

Oakford Conservation Area

Rend Lake Project Lands and Waters *

Saline County Conservation Area *

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Sparland-Fish-and-Wildlife-Area *

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

Woodford Fish and Wildlife Area * *

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada Goose Season:

Anderson Lake (closed after regular duck season) * *

Coffee State Fish and Wildlife Area (hunting from legal hours to 9:00 a.m.; all hunters must sign out by 10:00 a.m.) * #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * *

- d) The following sites will be opened to all goose hunting during any Canada goose hunting seasons that occur after the regular duck season:

Banner Marsh * *

Braidwood State Fish and Wildlife Area *

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Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake Depue Fish and Wildlife Area *

Lake Sinissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area (hunting from registered blinds or within 10 feet of staked blind sites is permitted after the close of the duck season)*

Starved Rock State Park *

- e) The following sites will be opened to any goose hunting seasons that occur after the regular Canada goose hunting season:

Clinton Lake State Recreation Area (season closes March 15)

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas) *

Peabody--River--King--State-Fish-and-Wildlife-Area-(hunting-must-occur within 10 yards-of-a-numbered-stake--one-hunting-party--(maximum--4 hunters)--per--stake--no-permanent-blinds--for-the-first-4-weeks-after the-regular-Canada-goose--season--stakes--will-be--allocated--via--a drawing--at-the-Kaskaskia-River-State-Fish-and-Wildlife-Area-Office-by mail--the-application-deadline-and-procedure-for-this-drawing-will-be publicly--announced--hunting-hours--based-on-the-site's-hours--will-be posted-at-gate)--*

Sanganois State Fish and Wildlife Area * @

Sangchris Lake State Park *

Stephen A. Forbes State Park *

Snake Den Hollow * @

Union County Conservation Area (firing line and controlled hunting area) *

William W. Powers Conservation Area

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- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Campbell Pond Wildlife Management Area

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Meredosia Lake (Cass County portion only, meandering waters only)

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

Shawnee Forest, Upper and Lower Bluff Lakes

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Respiratory Care Practice Act

2) Code Citation: 68 Ill. Adm. Code 1456

3) Section Numbers: 1456.110
Proposed Action: Amendment

4) Statutory Authority: Respiratory Care Practice Act [225 ILCS 106]

5) A Complete Description of the Subjects and Issues Involved: Section 1456.110 is amended to add the American Heart Association as an approved continuing education sponsor, and clarifies that entities not specifically named as approved CE sponsors must make application to the Department. It is also amended to require CE earned in other jurisdictions to be approved prior to the expiration date of the license, consistent with other professions licensed by the Department.

6) Does this proposed Rulemaking replace an emergency Rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this Proposed Rulemaking contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield IL 62786
217/785-0813 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing respiratory care or continuing education for respiratory care practitioners.

B) Reporting, bookkeeping or other procedures required for compliance:

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None

C) Types of professional skills necessary for compliance: Respiratory care skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendment begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1456
 RESPIRATORY CARE PRACTICE ACT

Section 1456.05	Application for Licensure as a Respiratory Care Practitioner Under Section 50(b) of the Act (Grandfather) (Repealed)
1456.10	Definitions
1456.20	Approved Respiratory Care Training Program
1456.30	Application for Licensure on the Basis of Examination
1456.40	Application for Licensure for Graduates from a Nonapproved Program
1456.50	Examination
1456.60	Endorsement
1456.70	Renewals
1456.75	Fees
1456.80	Inactive Status
1456.90	Restoration
1456.100	Unprofessional Conduct
1456.110	Continuing Education
1456.120	Granting Variances

AUTHORITY: Implementing the Respiratory Care Practice Act [225 ILCS 106] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rule at 21 Ill. Reg. 3730, effective March 11, 1997, for a maximum of 150 days; emergency expired August 7, 1997; adopted at 21 Ill. Reg. 11751, effective August 11, 1997; amended at 22 Ill. Reg. 16508, effective September 3, 1998; amended at 24 Ill. Reg. 606, effective December 31, 1999; amended at 25 Ill. Reg. _____, effective _____.

Section 1456.110 Continuing Education

- a) Continuing Education Hour Requirements
- 1) Every renewal applicant shall complete 24 hours of Continuing Education (CE) relevant to the practice of respiratory care required during each pre renewal period. A pre renewal period is the 24 months preceding October 31 in the year of the renewal.
 - 2) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 3) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 4) A licensee who serves as an instructor, speaker or discussion

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leader of a CE program will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 12 hours during any renewal period.

- 5) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
- 6) Respiratory Care Practitioners licensed in Illinois but residing and practicing in other states must comply with the CE requirements set forth in this Section.
- 7) A renewal applicant shall receive 6 continuing education hours for passage of the Advanced Practitioner, Clinical Simulation or any other NBRC examination beyond entry level. CE credit will not be granted for examinations taken more than once.
- b) Approved Continuing Education
 - 1) All continuing education hours must be earned by verified attendance at or participation in a program which is offered by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below.
 - 2) Continuing education credit hours used to satisfy the CE requirements of another state may be submitted for approval for fulfillment of the CE requirements of the State of Illinois.
 - 3) Credit shall not be given for courses taken in Illinois from unapproved sponsors.
- c) Continuing Education Sponsors and Programs
 - 1) Approved sponsor, as used in this Section, shall mean:
 - A) The American Association for Respiratory Care or its affiliates;
 - B) The Illinois Society for Respiratory Care or its affiliates;
 - C) American Medical Association or the Illinois State Medical Society or its affiliates;
 - D) American Hospital Association or Illinois Hospital Association or its affiliates;
 - E) Illinois Nurses Association or the American Nursing Association or its affiliates;
 - F) American Lung Association or its affiliates; or
 - G) The American Heart Association or its affiliates; or
 - H) Any other person, firm, association, corporation, or group that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section upon the recommendation of the Board to coordinate and present continuing education courses or programs.
 - 2) Entities seeking a license as a CE sponsor pursuant to subsection (1)(H) shall file a sponsor application, along with the required fee set forth in Section 1456.75. (State agencies, State colleges

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and State universities in Illinois shall be exempt from paying this fee.) The applicant shall certify to the following:

- A) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - B) That the sponsor will be responsible for verifying attendance at each course or program, and provide a certification of attendance as set forth in subsection (c)(8) below; and
 - C) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this part and that this information is necessary to ensure compliance.
- 3) Each sponsor shall submit by October 31 of each odd numbered year a sponsor application along with the renewal fee set forth in Section 1456.75. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the prerenewal period, which includes a description, location, date and time the course was offered.
 - 4) Each CE program shall provide a mechanism for written evaluation of the program and instructor by the participants. Such evaluation forms shall be kept for 5 years and shall be made available to the Department upon written request.
 - 5) All courses and programs shall:
 - A) Contribute to the advancement, extension and enhancement of professional clinical skills and scientific knowledge in the practice of respiratory care;
 - B) Provide experiences which contain scientific integrity, relevant subject matter and course materials; and
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program.
 - 6) All programs given by approved sponsors shall be open to all licensed respiratory care practitioners and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
 - 7) Certificate of Attendance
 - A) It shall be the responsibility of the sponsor to provide each participant in a program with a certificate of attendance signed by the sponsor. The sponsor's certificate of attendance shall contain:
 - i) The name and address of the sponsor;

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- ii) The name and address of the participant and his/her respiratory care practitioner license number;
 - iii) A detailed statement of the subject matter;
 - iv) The number of hours actually attended in each topic;
 - v) The date of the program;
 - vi) Signature of the sponsor.
- B) The sponsor shall maintain these records for not less than 5 years.
 - 8) The sponsor shall be responsible for assuring verified continued attendance at each program. No renewal applicant shall receive credit for time not actually spent attending the program.
 - 9) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board pursuant to the Administrative Hearing Rules (see 68 Ill. Adm. Code 1110) shall thereafter refuse to accept CE credit for attendance at or participation in any of that sponsor's CE programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section.
 - d) Continuing Education Earned in Other Jurisdictions
 - 1) If a licensee has earned CE hours in another jurisdiction from a nonapproved sponsor for which he/she will be claiming credit toward full compliance in Illinois, that applicant shall submit an application along with a \$20 processing fee prior to taking the program or within 90 days prior to the expiration date of the license after-the-renewal--date. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time, late approval may be obtained by submitting the application with the \$20 processing fee plus a \$10 per hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of this program using the criteria set forth in this Section.
 - e) Certification of Compliance with CE Requirements
 - 1) Each renewal applicant shall certify, on the renewal application, full compliance with CE requirements set forth in subsection (a) above.
 - 2) The Department may require additional evidence demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

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f) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
- 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician,
 - ii) A physical inability to travel to the sites of approved programs, or
 - iii) Any other similar extenuating circumstances.
- 3) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
- 4) Any renewal applicant who submits a request for waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 25 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 727
- 3) Section Numbers: Adopted Action:

727.100	New Section
727.105	New Section
727.200	New Section
727.205	New Section
727.300	New Section
727.305	New Section
727.400	New Section
727.500	New Section
727.505	New Section
727.510	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6]
- 5) Effective Date of Rules: July 15, 2001
- 6) Do these rules contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 23, 2000, at 24 Ill. Reg. 8454
- 10) Has JCAR issued a Statement of Objection to these rules? Yes
 - A) Statement of Objection: January 26, 2001; 25 Ill. Reg. 1859
 - B) Agency Response: April 20, 2001; 25 Ill. Reg. 5669
 - C) Date Agency Response Submitted for Approval to JCAR: April 5, 2001
- 11) Differences between proposal and final version: Only nonsubstantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The establishment of Part 727 is required to implement Public Act 91-0518. The rules provide clarification to the statute as well as setting specific guidelines for the subject private business switch operators/owners who want to establish their own Private Emergency Answering Point in Illinois. The rules have taken into consideration the technical aspects as well as aspects of public safety in order to produce a suitable set of guidelines for engineering and operations.

16) Information and questions regarding these adopted rules shall be directed to:

Rick Gasparin
9-1-1 Manager
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
(217) 782-4911

The full text of the adopted rules begins on the next page:

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TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 727

REQUIREMENTS FOR NON-BUSINESS ENTITIES WITH PRIVATE BUSINESS SWITCH SERVICE TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT

SUBPART A: GENERAL PROVISIONS

Section	
727.100	Application of Part
727.105	Definitions

SUBPART B: STANDARDS OF SERVICE

Section	
727.200	General Standards and Requirements
727.205	Non-business Entity Compliance

SUBPART C: AUTHORIZATION TO OPERATE

Section	
726.300	Order of Authority/Application Process
727.305	Tentative/Final Plans

SUBPART D: ENGINEERING

Section	
727.400	Private Emergency Answering Point

SUBPART E: OPERATIONS

Section	
727.500	System Review and Reporting
727.505	Written Operating Procedures
727.510	Call Handling Procedures

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Emergency rule adopted at 23 Ill. Reg. 8635, effective June 12, 2000, for a maximum of 150 days; emergency rules suspended at 24 Ill. Reg. 8650, effective June 13, 2000, for 180 days; emergency rules suspended at 24 Ill. Reg. 8650, effective June 13, 2000 for a maximum of 180 days; adopted at 25 Ill. Reg. 9606, effective June 15, 2001.

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SUBPART A: GENERAL PROVISIONS

Section 727.100 Application of Part

This Part shall apply to any private business switch operator that is also a non-business entity in the State of Illinois except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 727.200(b) of this Part.

Section 727.105 Definitions

"Automatic Location Identification" or "ALI" - A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" - Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call referral" - A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" - A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call transfer" - A 9-1-1 service in which the PSAP telecommunicator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" - A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carriers facilities.

"Commission" - The Illinois Commerce Commission.

"Direct dispatch" - A 9-1-1 service that provides for the direct dispatch by a PEAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

"Direct inward dialing" or "DID" - The ability for an outside caller to be connected to an internal telephone extension without

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intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" - An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" - A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" - Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular non-business entity that handles its internal 9-1-1 calls.

"Enhanced 9-1-1" or "E9-1-1" - An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" - The street address of the workspace.

"Master Street Address Guide" or "MSAG" - The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Non-business entity" means any entity not a business, as "business" is defined in 83 Ill. Adm. Code 726.105. "Non-business entity" as defined herein, shall include, but not necessarily be limited to, any municipality or unit of local government as defined in Article 7, Section 1 of the Illinois Constitution of 1970; any entity that is also a school operated by authority of the School Code [105 ILCS 5]; or any entity that is a not for profit organization that qualifies for tax exempt status under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (42 USC Sec. 501).

"Private business switch service" - A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal

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Communications Commission under 47 Part C.F.R. 68 when not used in conjunction with Centrex type service and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" - A place within a non-business entity where the operators answer and dispatch 9-1-1 calls from within its facility. A non-business entity must obtain certification to handle internal 9-1-1 calls from its internal switch.

"Public agency" - The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

"Public area" - An area within a building where the general public and/or the non-business entity patrons have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies, and waiting rooms.

"Public safety agency" - A functional division of a public agency that provides firefighting, police, medical, or other emergency services.

"Public safety answering point" or "PSAP" - The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also known as a "Center."

"Text telephone" or "TTY" - A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" - The physical building area where work is normally performed. This is a net square footage measurement that includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts, heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

SUBPART B: STANDARDS OF SERVICE

Section 727.200 General Standards and Requirements

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The digits "9-1-1" shall be the primary emergency telephone number within a county or municipality that has received Commission approval of a 9-1-1 system. In areas where Enhanced 9-1-1 is available, a private business switch operator must ensure that its system is capable of meeting the requirements set forth in Section 727.205. Nothing in this Section shall require changes in customary dialing patterns (i.e., using the prefix or access code 9 to obtain an outside line before dialing 9-1-1).

Section 727.205 Non-business Entity Compliance

a) After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to non-business entities shall assure that such a system in the non-business entity is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification ("ANI") and automatic location identification (ALI).

1) ANI shall be provided based on the following criteria, which are minimum standards:

- A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system;
 - B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system;
 - C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related businesses or public entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and
 - D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.
- 2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National Emergency Number Association, 4789 Papermill Road, Coshocton OH 43812.) This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:
- A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and will include the building's street address.
 - B) For buildings having their own street address and containing

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workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

- C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related users, a DLI for each user shall be transmitted to the appropriate 9-1-1 system.
- D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related users, a DLI for each user shall be transmitted to the appropriate 9-1-1 system.
- E) Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address. [50 ICS 750/15.6(a)]

- 3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a useable DLI.

b) Exemptions to subsection (a) of this Section.

- 1) Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in Section 727.205(a)(2)(B) and (a)(2)(E) if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.

- A) Non-business entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the site of the emergency.

- B) Non-business entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

- C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

- D) A non-business entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks such

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exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.

- 2) Health care facilities are presumed to meet the requirements of subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists. Buildings under this exemption must provide 9-1-1 service that provides the building's address.

- 3) Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or non-business entities that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the non-business entity's emergency phone system. Certification by the Commission is necessary prior to a non-business entity answering and dispatching its own internal 9-1-1 calls. Non-business entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

- A) A non-business entity seeking to obtain an exemption under this subsection (b)(3) must file a petition pursuant to 83 Ill. Adm. Code 200 requesting such exemption with the Commission. Such petition shall contain a showing that the non-business entity seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the non-business entity seeking exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.

- B) The Commission Staff shall review all such petitions for exemption and shall make a recommendation to the Commission that the Commission grant the exemption, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption.

- 4) Buildings in communities that are not serviced by Enhanced 9-1-1

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service are exempt.

SUBPART C: AUTHORIZATION TO OPERATE

Section 727.300 Order of Authority/Application Process

- a) Any non-business entity that qualifies for exemption under Section 727.200(c)(3) to operate a 9-1-1 answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the non-business entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 727.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.
- b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.
- c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal 9-1-1 calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.
- d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.
- e) Modification to an approved application or system should be submitted to the Commission in writing no later than 10 days after the change.

Section 727.305 Tentative/Final Plans

- a) Each non-business entity shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.
- b) Tentative and final plans shall consist of a narrative that provide an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision of 9-1-1 service, consisting of the following exhibits:
 - 1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. Explain what these emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.
 - 2) Exhibit 2: Call handling agreements with the internal emergency responders, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that

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appropriate actions shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.

- 3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up of police, fire and medical assistance pursuant to Section 727.510(c).
- 4) Exhibit 4: Back-up PEAP agreement pursuant to Section 727.400(d).
- 5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 727.505.
- 6) Exhibit 6: Network Diagram - a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 727.400.

SUBPART D: ENGINEERING

Section 727.400 Private Emergency Answering Point

An entity that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

- a) The entity applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the entity shall program its system to respond to 9-1-1 in addition to their current dialing code.
- b) The PEAP shall be operational 24 hours a day, 7 days a week except in cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.
- c) Each PEAP shall have an operational 9-1-1 if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.
- d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 system to be the remote backup/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.
- e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.
- f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.

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- g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be substituted to ensure the answering and dispatch of the emergency call:

- 1) A secondary back-up location remotely located from the primary answering point that is staffed 24 hours a day with trained personnel; or
 - 2) An alternative method of communication available that will transmit an emergency request and result in the dispatch of emergency services.
- h) Access to phone switch equipment will be restricted to those who have need to service the equipment.
- i) No emergency calls shall be placed on hold.
 - j) 90% of all emergency calls must be answered within 10 seconds.
 - k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

SUBPART E: OPERATIONS

Section 727.500 System Review and Reporting

Each non-business entity certified by the Commission to handle its internal 9-1-1 calls shall provide an annual update to the 9-1-1 Emergency Telephone Section by January 1 of each year. The non-business entity shall provide the following information:

- a) The non-business entity's name and street address;
- b) The name and telephone number of a contact person;
- c) The recertification of all agreements.

Section 727.505 Written Operating Procedures

Each certified non-business entity shall develop and utilize written "Standard Operating Procedures" and "Disaster Procedures" for its emergency operations and for the use by its personnel who will be handling the emergency calls. Copies of these procedures must also be included in the application when petitioning the Commission for approval.

Section 727.510 Call Handling Procedures

- a) Each non-business entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.

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- b) Each non-business entity shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the non-business entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs which would require additional emergency resources.
- c) Each non-business entity shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the non-business entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the non-business entity will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.
- d) Each non-business entity may choose from the following methods of dispatch:
 - 1) Direct Dispatch;
 - 2) Call Relay;
 - 3) Call Referral; or
 - 4) Call Transfer.
- e) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with the 9-1-1 system or other public safety agencies.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Housing Discrimination
- 2) Code Citation: 71 Ill. Adm. Code 2300
- 3) Section Number: Adopted Action:
2300.10 Amendment
2300.35 New Section
- 4) Statutory Authority: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)]
- 5) Effective Date of Amendments: July 17, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 13, 2001; 25 Ill. Reg. 5216
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: The adopted amendments are identical to that which was published at First Notice in the Illinois Register, except that in Section 2300.35, the words "and operated" were added after the word "designed", and the word "person" was changed to "persons".
- 12) Have all the changed agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendments revise a definition to include all the protected bases provided in the Illinois Human Rights Act. The amendments also clarify an exemption to Article III concerning housing for older persons.
- 16) Information and questions regarding these adopted amendments shall be directed to:

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

David T. Rothal
Illinois Department of Human Rights
100 W. Randolph Street, Ste. 10-100
Chicago IL 60601
312-814-6242

The full text of the adopted amendments begins on the next page:

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTS

PART 2300
HOUSING DISCRIMINATION

- Section 2300.10 Definitions
- 2300.30 Exemptions
- 2300.35 Housing for Elderly Persons
- 2300.50 Dismissal for Refusal to Accept Settlement Offer
- 2300.70 Procedures
- 2300.80 Rental of Rooms in a Private Home
- 2300.90 Real Estate Transactions

AUTHORITY: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].

SOURCE: Adopted at 16 Ill. Reg. 8178, effective May 19, 1992; amended at 25 Ill. Reg. 2420, effective January 23, 2001; amended at 25 Ill. Reg. 9619 - 7 effective JUL 17 2001.

Section 2300.10 Definitions

Act--the Illinois Human Rights Act [775 ILCS 5].

Aid, abet, compel or coerce--includes threatening, intimidating or interfering with a real estate transaction or a person for pursuing any right protected under Article 3 of the Act person's-enjoyment-of-a housing-accommodation. Such conduct must be: because of unlawful discrimination; because that person has aided or encouraged another person in the exercise or enjoyment of a right protected under Article 3; or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, handicap, familial status or unfavorable discharge from the military of visitors or associates of any such person persons.

Department--the Illinois Department of Human Rights.

(Source: Amended at 25 Ill. Reg. 961933, effective JUL 17 2001)

Section 2300.35 Housing for Elderly Persons

To ascertain whether housing for the elderly provided under a federal program is "specifically designed and operated to assist elderly persons", pursuant to Section 3-106(I)(1)(a) of the Act, the Department will obtain a determination

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF ADOPTED AMENDMENTS

from the U.S. Department of Housing and Urban Development as to whether the housing is in accordance with federal law, regulations, and standards.

(Source: Added at 25 Ill. Reg. 9619 - 2, effective JUL 17 2001)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Telefiling of Illinois Individual Income Tax Returns

2) Code Citation: 86 Ill. Adm. Code 107

3) Section Numbers: Adopted Action:

107.100	New Section
107.110	New Section
107.120	New Section
107.200	New Section
107.300	New Section
107.310	New Section
107.400	New Section

4) Statutory Authority: 35 ILCS 5

5) Effective Date of Rules: July 16, 2001

6) Do these rules contain an automatic repeal date? No

7) Do these rules contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 23, 2001, 25 Ill. Reg. 2967

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace any emergency rules currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: Creates a new Part implementing a program that allows for the telefiling of Income Tax returns.

16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

Melanie Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted rules begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 107

TELEFILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS

Section	
107.100	Composition of a TeleFile Return
107.110	Electronic Signature
107.120	Exclusions from TeleFile Filing
107.200	How to Participate
107.300	Balance Due General Information
107.310	Direct Deposit General Information
107.400	Confirmation of TeleFile Returns

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 2505-200 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-200].

SOURCE: Adopted at 25 Ill. Reg. 96 2 3 - a, effective JUL 16 2001.

Section 107.100 Composition of a TeleFile Return

- a) "TeleFile" consists of a taxpayer using a touch-tone telephone to call a designated telephone number and reporting return, form or schedule information through use of the number keys on the touch-tone telephone in response to an automated voice prompt system.
- b) A TeleFile return consists of data filed with the Department via the TeleFile touch-tone telephone system, including an electronic signature. A return may contain paper documents that are requested to be sent to the Department or retained by the taxpayer for verification. In total, TeleFile returns contain the same information as traditionally filed paper documents.
- c) Returns, forms and schedules that can be filed via TeleFile include the following:
 - 1) IL-1040, Illinois Individual Income Tax Return, and
 - 2) W-2, Wage and Tax Statement.

Section 107.110 Electronic Signature

- a) The taxpayer's signature code, consisting of the taxpayer's social security number and Personal Identification Number (PIN), is to be used in lieu of a written signature when filing returns, forms or schedules with the Department via TeleFile.
- b) The use of the PIN in combination with the social security number has the same legal effect as if the taxpayer had signed the return, form or schedule that are part of that TeleFile filing.

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- c) TeleFile filed returns, forms or schedules will be considered unsigned unless both components of the taxpayer's signature code are received by the Department as part of the TeleFile filing. (See 35 ILCS 5/503.)
- d) The signature code is considered to be valid until:
 - 1) The taxpayer notifies the Department that the signature code has been compromised, or
 - 2) The Department determines that the signature code has been compromised.

Section 107.120 Exclusions from TeleFile Filing

The following types of returns, forms or schedules are excluded from this TeleFile program:

- a) Returns, forms or schedules that are not listed in subsection (c) of Section 107.100 of this Part.
- b) Returns, forms or schedules listed in subsection (c) of Section 107.100 of this Part that require additional forms, schedules, or other documents, or that require the reporting of information that the Department is unable to currently accept through the TeleFile program.

Section 107.200 How to Participate

- a) Only taxpayers that have been authorized as TeleFile Filers may participate and file their return with the Department via TeleFile.
- b) A TeleFile Filer is a taxpayer authorized to file returns via TeleFile. A taxpayer is authorized to file such returns once they receive a Personal Identification Number (PIN) from the Department. TeleFile Filers who are married and file joint returns will receive two PINs.
- c) A TeleFile Filer will enter information in accordance with the appropriate TeleFile worksheet provided by the Department through use of the number keys on a touch-tone telephone in response to an automated voice prompt system.
- d) At the end of a successfully completed TeleFile filing, the automated voice prompt system will confirm the return, form or schedule has been filed with the Department by issuing a confirmation number as provided in Section 107.400 of this Part.
- e) The Department reserves the right to limit the number of participants and returns filed via TeleFile due to vendor capacity.
- f) The option of TeleFile filing will be available for participants until April 15 of the filing year or any other filing date designated by the Department in its booklets or on its website.

Section 107.300 Balance Due General Information

- a) The TeleFile Filer is responsible for submitting payment of any balance due the Department no later than April 15 of the filing year

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

or any other filing date designated by the Department in its booklets or on its website. (See 35 ILCS 5/601.) Failure to make full payment by this date will result in the imposition of interest and penalties. (See 35 ILCS 735/3-2 and 3-3.)

- b) The TeleFile Filer may choose to pay the balance due by credit card. The TeleFile Filer may call a designated telephone number provided in the IL-1040 booklet to make such payment after completion of the TeleFile filing process. The TeleFile Filer is responsible for payment of any fee charged in order to make payment in this manner. Pursuant to 35 ILCS 5/605, the Department of Revenue will not pay any discount fee charged by the credit card issuer.

Section 107.310 Direct Deposit General Information

- a) Qualifying taxpayers may authorize their tax overpayments to be directly deposited into their savings or checking accounts with financial institutions, rather than receive paper refund checks. The authorization must be made when filing the TeleFile IL-1040 return by providing the appropriate information.
- b) The Department will ordinarily process an authorization for direct deposit, but reserves the right to initiate a paper refund check. The following conditions may cause the Department to not process a direct deposit:
 - 1) Taxpayer owes back taxes, either individual or business (refund offset);
 - 2) Taxpayer has State or federal delinquent debt, such as child support, student loans, etc. (refund offset);
 - 3) Estimated tax payments reported on the return do not match the estimated tax payments recorded on the Department's master file;
 - 4) Taxpayer is claiming an unallowable or improperly supported deduction or credit; and
 - 5) A TeleFile return, form or schedule is accepted with a valid social security number that belongs to another taxpayer.
- c) The Department is not responsible for the misapplication of a direct deposit that is caused by error, negligence, or malfeasance on the part of the taxpayer, financial institution, or any of their agents.

Section 107.400 Confirmation of TeleFile Returns

- a) Upon successfully entering all the required return, form or schedule information using the number keys on a touch-tone telephone, the TeleFile Filer will be given a confirmation number by the automated voice prompt system.
- b) TeleFile Filers must maintain a record of the confirmation number in order to establish that the returns, forms or schedules were received by the Department on the dates that the confirmation numbers were issued.
- c) The date that the telephone call is completed and a confirmation

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number is issued by the automated voice prompt system is the received date for the return to which the confirmation number relates. Where a telephone call is initiated on one date and completed on another, the date that the telephone call is completed is the date of filing. The telephone call must be completed by 11:59 p.m. CST (with adjustments for Daylight Savings Time if applicable) on the due date of the return for the TeleFile filing to be considered timely.

- d) TeleFile Filers cannot recall or intercept TeleFile filed returns after the returns have been confirmed as received. If TeleFile Filers wish to change any entries after a return has been confirmed, a paper amended return, Form IL-1040-X, must be filed with the Department. (See also 86 Ill. Adm. Code 100.9400(f)(3).)
- e) When a TeleFile return has not been confirmed after several attempts, the TeleFile Filer should contact the Department for assistance by calling the telephone number provided in the IL-1040 booklet.
- f) Unless a TeleFile return is confirmed as filed by the Department, it will not be considered a filed return.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Local Tourism and Convention Bureau Program

- 2) Code Citation: 14 Ill. Adm. Code 550

- 3) Section Numbers: Emergency Action:

550.10 Amendment
550.20 Amendment
550.35 Amendment
550.40 Amendment
550.60 Amendment

- 4) Statutory Authority: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

- 5) Effective Date of Amendments: July 9, 2001

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: No

- 7) Date filed with the Index Department: July 9, 2001

- 8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for Emergency: There was a change in the statute as a result of SB 926/PA 92-38, which makes changes in eligibility for bureaus to receive funding under the Local Tourism and Convention Bureau Program and adds the definition of "tourism" to be consistent with national research and tourism trends.

- 10) A Complete Description of the Subjects and Issues Involved: The current statute was in need of an update as it still referenced January 1, 1985, the year the program was established by statute. As written, the statute prohibited viable new bureaus from being formed in areas of the State with no certified bureau representation. The revised language covers the existing certified bureaus that continue to effectively serve their designated geographic service areas, and enables the formation of new bureaus with potential to receive funding after two years of operation with support from local tax dollars. By adding the definition of "tourism" and reducing the radius for which advertisements can be placed to 50 miles, this keeps pace with national tourism industry trends and makes the Local Tourism and Convention Bureau Program consistent with the other tourism grant programs administered by the Department.

- 11) Are there any other amendments pending on this Part: No

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 13) Information and questions regarding these rules shall be directed to:

Ms. Raya Bogard
Illinois Administrative Code Rules Manager
Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
Telephone Number: (312) 814-9593

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE C: ECONOMIC DEVELOPMENT

CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550

LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section

550.10 Purpose

EMERGENCY

550.20 Definitions

EMERGENCY

550.30 Allocation of Appropriations to Grantees

550.35 Eligible Applicants

EMERGENCY

550.40 Program Requirements

EMERGENCY

550.50 Administrative Requirements

550.60 Application Process

EMERGENCY

AUTHORITY: Implementing Section 605-705 of the Civil Administrative Code of Illinois [20 ILCS 605/605-705] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 11, 1997; amended at 22 Ill. Reg. 10425, effective June 6, 1998; emergency amendment at 25 Ill. Reg. 9629-01, effective JUL -9 2001, for a maximum of 150 days.

Section 550.10 Purpose

EMERGENCY

Section 605-705(a) 46-6a of the Civil Administrative Code of Illinois [20 ILCS 605/605/605-705(a) 46-6a] authorizes the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State of Illinois

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY AMENDMENTS

impacting the economic growth of the trade industry. This Part establishes guidelines for the implementation and administration of the Local Tourism and Convention Bureau Program.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9629-01,

effective JUL -9 2001, for a maximum of 150 days)

Section 550.20 Definitions

EMERGENCY

"Act" - Act means Section 605-705(a) 46-6a of the Civil Administrative Code of Illinois [20 ILCS 605/605-705(a) 46-6a] that establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" - Applicant means a certified local tourism and convention bureau.

"Application" - Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" - Bureau means local tourism and convention bureau.

"Certified Bureau" - Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.

"Contractual Cooperative Promotional Project Agreement" - A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds shall be deposited in the bureau's local account and expended solely on the promotional project. Funds shall not be refunded to a local entity unless the bureau is unable to comply with the contractual agreement.

"Department" - Department means the Department of Commerce and Community Affairs.

"Department Logo" - Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" - Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" - Fiscal Year means July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" - Specifies goals, objectives,

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NOTICE OF EMERGENCY AMENDMENTS

strategies, anticipated results, and evaluators describing the bureau's planned fiscal year project activities.

"Grant Document" - Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"Grantee" - Grantee means a local tourism and convention bureau receiving Local Tourism and Convention Program funds from the Department.

"In-Kind Contributions" - Donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Local Tourism and Convention Bureau (LTCB)" - Local tourism and convention bureau means bureaus in legal existence for a minimum of two years prior to their request for certification, operating with paid, full-time staff whose sole purpose is to promote tourism in the designated service area, are either a unit of local government or incorporated as a not-for-profit organization, or public agency which represents and serves are affiliated with one or more municipalities or counties that supports the bureau with local hotel-motel tax revenue, serving as the designated marketing organization for the service area, and whose activities are consistent with the purpose of the Act. The LTPB shall promote tourism and increase hotel-motel revenues and employ a full-time paid professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within the Bureau's region. The LTCB shall be located within any one of the municipalities or counties served.

"Match" - Match means bureaus' local funds that do not include in-kind contributions (see Section 550.50(d)).

"Municipality" - Municipality means a city, village or incorporated town.

"Pass-Through Funds" - Money received by a bureau from a local entity for the sole purpose of paying expenses incurred by that entity and for which there is no financial contribution provided by the bureau to improve the entity's project.

"Population Served" - Population served means the population of the units of local government which the local tourism and convention bureau serves according to the latest certified census figures.

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"Program" - Program means the Local Tourism and Convention Bureau Program.

"Project" - Project means administrative and promotional activities which are approved and funded by the Department.

"Project Budget Plan" - Identifies planned project costs utilizing grant and match funds to conduct fiscal year activities described in the Marketing Plan.

"Promotional Projects" - Promotional projects mean activities which are designed to encourage overnight visits or visitors to and through Illinois or attendance at local events in accordance with Section 550.40.

"Tourism" - Travel 50 miles or more one-way or an overnight trip outside of a person's normal routine.

"Travel/Trade Show" - An exhibit/market place of travel related products and/or services.

"Unit of Local Government" - Unit of Local Government means county(ies), municipality(ies), and township(s) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9629-0, effective July 9, 2001, for a maximum of 150 days)

Section 550.35 Eligible Applicants

EMERGENCY

Bureaus eligible to receive funds are defined as those local tourism and convention bureaus that are (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years before July 1, 2001; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes. After July 1, 2001, bureaus requesting certification in order to receive funds for the first time must be local tourism and convention bureaus that are: (i) either units of local government or incorporated as not-for-profit organizations; (ii) in legal existence for a minimum of 2 years prior to the request for certification; (iii) operating with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and (iv) affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. No new bureau will be certified to represent an area that is already serviced by an existing certified bureau, unless documentation is provided showing financial support

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with unsatisfactory representation, or the written mutual agreement of the two bureaus that is in the best interest of the visitor to do so. ~~bureaus-in--legat existence-as-of-January-17-1987-which-are-either-a-unit-of-local-government-or incorporated--as-a-not-for-profit-organization--are-affiliated-with-one-or-more municipality-or-county-and-employ-one-full-time-(Section-46-6a(1)-of-the-Act) paid--professional--executive-director/chief-executive-officer-that-devotes-at least-35-hours-per-week-to-the-development--and--growth--of--tourism--within--a bureau's--region-~~ In addition, the Department shall not certify or recertify a bureau with an expanded service area if the Department determines that the tourism objectives of the additional area do not correspond with the tourism objectives of the original bureau service area. In making this determination, the Department shall consider such factors as: the geographic size of the proposed expanded area, the historic promotional relationship between the existing bureau area and the proposed expanded area, and whether the proposed expanded area is currently serviced by another tourism entity.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 96 2 9 - -, effective 3/11 - 9 2001, for a maximum of 150 days)

Section 550.40 Program Requirements

EMERGENCY

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval
 - 1) A Fiscal Year Marketing Plan and Detailed Budget Plan identifying proposed expenditures utilizing LTRB grant funds shall be submitted to the Department for review and approval prior to project initiation.
 - 2) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.
 - A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.
 - B) 50% Executive Director's salary may be applied toward half of the total grant.
 - 3) Bureaus are prohibited from hiring any immediate family member of staff or immediate family member of a board member who is involved in the hiring decision of staff, if grant or match funds are utilized. Immediate family members shall include a spouse, mother, father, daughter, and son.
- b) Promotional Projects
 - 1) When the total cost provided to any one vendor equals or exceeds \$20,000 for services and for--printed-projects--purchases-of-premium-items--or--other--projects--deemed--appropriate--by--the Department--exceeds \$5,000 for goods/materials, a minimum of two bids using identical specifications shall be acquired and retained by the bureau for review by the Department.
 - 2) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the

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- DCCA Bureau of Tourism. A bureau that fails to include the Department identification shall reimburse the Department for State funds received in support of the project.
- 3) The date and quantity printed (e.g., 7/0197-50/m) shall appear on brochures.
 - 4) The bureau shall bear sole responsibility for accuracy of information contained within material produced with grant funds.
 - 5) All printed projects that are funded through LTRB grant funds shall be available on a gratis basis - free of charge - to the public.
 - 6) Within 30 days after completion of a printing project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items produced with grant funds.
 - 7) Project activities funded under this Part shall not duplicate any project funded by the Department.
 - 8) Examples of eligible promotional projects include, but are not limited to:
 - A) Brochures;
 - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at State rate) for a maximum of 2 staff. Justification is required for additional people to attend;
 - C) Sponsorship of familiarization tours;
 - D) Placement and production costs of newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 50-mile radius of the attraction, event or area being promoted unless documentation can be provided to the Department that the area attracts a large percentage of its overnight stays from within a 50-mile radius. If such documentation is provided, up to 25% of the advertising budget can be placed within the 50-mile radius. Advertising placed in a major metropolitan market (cities of Chicago and St. Louis) that blankets the media's entire designated market area shall not count toward the 25% limit a-major-market--(e-g-r--Chicago--St--Boutet) falls-within-the-100-mile-radius;
 - E) Membership dues for travel related associations or organizations;
 - F) Billboards;
 - G) Premiums/specialty items for promotional purposes with Department recognition (see subsection(b)(2));
 - H) Production of videos for use in familiarization or travel/trade industry;
 - I) Salaries (see subsection (a)(2) of this Section);
 - J) Posters and flyers distributed outside of service area;
 - K) Projects distributed locally, if the bureau can demonstrate

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the project's ability to increase overnight stays in the service area:

- L) Marketing research studies;
- M) "800" telephone lines for information; and
- N) Internet Websites.

9) Examples of projects ineligible for grant promotional funding include, but are not limited to:

- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);
- B) Purchase of any alcoholic beverage;
- C) Feasibility studies; and
- D) Salaries of administrative or support staff.

c) Administrative Projects

1) Examples of projects eligible for grant administrative funding including, but are not limited to:

- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment lease/rental); and
- B) Salaries of administrative or support staff (see subsection (a)(2) of this Section).

2) Examples of projects ineligible for grant administrative funding include, but are not limited to:

- A) Lease/purchase agreements for any items;
- B) Purchase of equipment;
- C) Purchase of any alcoholic beverage;
- D) Feasibility studies; and
- E) Penalties, fines, late payment fees, service or interest charges.

d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9629, effective - JUL - 9 2001 for a maximum of 150 days)

Section 550.60 Application Process

EMERGENCY

a) The application procedure consists of a three-step process:

- 1) Public notification by the Department of funds available for the LTCB program.
- 2) A request for certification.
- 3) An application for grant funds.

b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:

- 1) Availability of funds under the LTCB program as of July 1.

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2) That applicants must contact the Department to obtain criteria for certification under the Act.

3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.

c) Certification

1) Any applicant seeking certification as a local tourism and convention bureau who has previously been certified through the Local Tourism and Convention Bureau Program shall be recertified each year by the Department.

A) An applicant shall meet the following eligibility criteria in order to be considered for certification:

- i) Is either a unit of local government or incorporated as a not-for-profit organization Have been a bureau in legal existence as of January 17 1985; either as a unit of local government or incorporated as a not-for-profit corporation or organization--as evidenced by dated promotional materials which document that the applicant was conducting tourism promotional activities prior to January 17 1985;
- ii) Has been in legal existence for a minimum of 2 years; Represent one or more municipalities or counties which must be contiguous to one another; and
- iii) Operates with a paid, full-time staff whose sole purpose is to promote tourism in the designated service area; and Employ one full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region.

(iv) Is affiliated with one or more municipalities or counties that support the bureau with local hotel-motel taxes.

B) An eligible applicant shall submit the following material to be considered for certification:

- i) a request for certification;
- ii) articles of incorporation as a not-for-profit corporation organized for a minimum of 2 years prior to January 17 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-For-Profit Corporation Act [805 ILCS 105], or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
- iii) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region, prior to receiving State grant funds;

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- iv) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current letter from the governing body(ies) of this these entity(ies);
 - v) a complete listing of hotels/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each; and
 - vi) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant.
 - (vii) a certified statement from the authorized official of the municipality(ies) or county(ies) that supports the bureau with local hotel-motel taxes, specifying the amount of local hotel-motel tax that will be provided to the bureau during the fiscal year for the bureau's use and expenditure on eligible program activities and for match for the State grant.
- 2) After July 1, 2001, any applicant seeking certification as a local tourism and convention bureau who has not previously been certified through the Local Tourism and Convention Bureau Program shall be certified by the Department when meeting all the following criteria:
- A) In order to be considered for certification, an applicant shall meet the eligibility criteria specified in subsections (c)(1)(A)(i) through (iii), and must be affiliated with multiple municipalities or counties that support the bureau with local hotel-motel taxes. Additionally, in order to be eligible, their service area shall contain at least 500 hotel/motel rooms eligible to collect the State's hotel motel tax.
 - B) An eligible applicant shall submit the following material to be considered eligible for certification:
 - i) a request for certification;
 - ii) a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by documentation of previous promotional activities for a minimum of two years prior to the request for certification January--17--1995 (e.g., brochures or pamphlets used to encourage visits or visitors to and through Illinois);
 - iii) a statement that it employs a full-time paid, professional executive director/chief executive officer whose sole purpose is to promote tourism in the designated service area who devotes--all--time--to

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- iv) articles of incorporation as a not-for-profit corporation in legal existence for a minimum of two years prior to the request for certification organized prior--to--January--17--1995, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-for-Profit Corporation Act [805 ILCS 105], or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
 - v) a statement listing the municipalities or counties city(ies), town(ies), or county(ies) in its service area, including a current resolution from the governing bodies of these entities;
 - vi) a complete listing of hotels/motels collecting the state's hotel/motel tax (including address and number of rooms/units in each;
 - vii) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant; and
 - viii) a certified statement from the authorized official of the municipalities or counties that support the bureau with local hotel-motel taxes, specifying the amount of local hotel-motel tax that will be provided to the bureau during the fiscal year for the bureau's use and expenditure on eligible program activities and for match for the State grant; and documentation--showing unsatisfactory--representation--if--the--proposed--area--of--the--new--bureau--is--currently--represented--by--an--existing--bureau.
 - vii) documentation showing unsatisfactory representation if the proposed area of the new bureau is currently represented by an existing bureau. Documentation must also include the level of local funding support that was provided to the existing bureau.
- 3) Within 60 days after receipt deadline of all requests for certification under subsection (b), the Department shall send a notice to each applicant seeking certification, informing the applicant of its status.
- A) When a single local bureau seeks certification and has submitted all documentation required in subsections (c)(1)

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and (2) of this Section, and such documentation meets the approval of the Department, such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds.

- B) When more than one local bureau seeks certification for the identical service area, with the exception of cities with a population greater than 500,000, the Department shall send each a request for proposal (RFP). Proposals shall require the following information which shall be given equal weight in the evaluation of each proposal:

- i) bureau's background, organization, experience and staff qualifications;
- ii) a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism; and
- iii) any marketing or feasibility studies in support of the plan.

- C) Within 15 days after receipt of the RFPs, the Department shall notify in writing each local bureau of certification determinations.

- i) The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the determination.

- ii) A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than 15 calendar days thereafter. The Director shall make his determination based upon his review of the information required by subsection (c)(3)(B) of this Section and any additional material submitted by the applicant with their appeal.

- d) Application by Certified Bureaus for Funds Under the Act:

- 1) All certified bureaus shall complete an application for funding. The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention

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Bureau Program. Failure to provide any information requested in the application shall result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:

- A) Full-time local bureau executive director's name, salary, and length of employment with bureau.
- B) A Fiscal Year Marketing Plan and Program Budget Plan detailing all activities to be initiated and funded through the LCTB grant during the fiscal year.
- C) Area to be served such as municipality(ies), county(ies), etc.
- D) Itemized budget for activities proposed for funding under LCTB monies.
- E) Local operating budget based on state fiscal year. Match funds shall be reflected on this form, and shall specify the local hotel/motel tax revenues and/or other government funding received and expended by the certified bureau in the prior fiscal year.
- F) Name of the financial institution that serves as the depositor for LCTB grant funds.
- G) Fund account number for LCTB grant funds.
- H) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two required.

- 2) Upon receipt of applications from certified bureaus the Department shall review the applications and:

- A) grant the full amount requested, or
- B) ask for additional information to clarify or document the information contained in the application, and/or
- C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its

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decision within 15 days after receipt of their appeal.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 9629 -
effective JUL -9 2001, for a maximum of 150 days)

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- 1) Heading of the Part: Regional Tourism Development Organization Program
- 2) Code Citation: 14 Ill. Adm. Code 515
- 3) Section Numbers:

	<u>Emergency Action:</u>
515.10	New Section
515.20	New Section
515.30	New Section
515.40	New Section
515.50	New Section
515.60	New Section
515.70	New Section
515.80	New Section
515.90	New Section
515.100	New Section
515.110	New Section
515.120	New Section
- 4) Statutory Authority: Implementing and authorized by Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605-710].
- 5) Effective Date of Rules: July 9, 2001
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: No
- 7) Date filed with the Index Department: July 9, 2001
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: Legislation to convert the RTDO Program from a contractual to a grant program was approved by the General Assembly and signed into law by the Governor.
- 10) A Complete Description of the Subjects and Issues Involved: The mission of the RTDOs is to carry out DCCA's tourism goals in a regional setting. This change to a grant program will provide a much more rational process for supporting regional efforts to promote tourism and make the RTDOs much more effective partners in promoting Illinois tourism at the regional level.
- 11) Are there any proposed rules pending on this Part? No
- 12) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805].

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13) Information and questions regarding these rules shall be directed to:

Ms. Raya Bogard
Illinois Administrative Code Rules Manager
Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
(312) 814-9593

The full text of the Emergency Rules begins on the next page:

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NOTICE OF EMERGENCY RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 515
Regional Tourism Development Organization Program

Section	Purpose
515.10	EMERGENCY
515.20	Definitions
515.30	EMERGENCY
515.30	Eligible Applicants
515.40	EMERGENCY
515.40	Eligible Use of Grant Funds
515.50	EMERGENCY
515.50	Form of Certification and Application
515.60	EMERGENCY
515.60	Certification and Application Process
515.70	EMERGENCY
515.70	Allocation of Appropriations
515.80	EMERGENCY
515.80	Funding Limitation
515.90	EMERGENCY
515.90	Grant Agreement
515.100	EMERGENCY
515.100	Computation of Time
515.110	EMERGENCY
515.110	Severability
515.120	EMERGENCY
515.120	Administrative Requirements

AUTHORITY: Implementing and authorized by Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605/605-710].

SOURCE: Emergency rule adopted at 25 Ill. Reg. 9 6 4 4 -, effective JUL - 9 2001 for a maximum of 150 days.

Section 515.10 Purpose
EMERGENCY

Section 605-710 of the Civil Administrative Code of Illinois authorizes the Department of Commerce and Community Affairs to make grants to not-for-profit regional tourism development organizations that assist the Department in developing tourism throughout a multi-county geographical area designated by the Department.

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Section 515.20 Definitions
EMERGENCY

The following definitions are applicable to this Part:

"Act": means Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605/605-710].

"Agreement": means a written document executed between the Grantee and the Department defining the rights and obligations with respect to the Project.

"Applicant": means a not-for-profit entity submitting a written request for certification and funds appropriated under the Act.

"Application": means a written request for program funds containing the required information and attachments.

"Bureau of Tourism": means the division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Department Logo": means a form of recognition as stipulated and supplied by the Department to identify a Promotional Project/Product as being produced in whole or in part through grant funds from the Department.

"Director": means the Director of the Department of Commerce and Community Affairs.

"Economic Impact": means the direct financial result of visitor spending at a tourism destination, attraction or event.

"Eligible Project": means administrative and promotional activities that are approved and funded by the Department.

"Fiscal Year": means July 1 through June 30, the Fiscal Year of the State of Illinois.

"Fiscal Year Work Plan": means the Regional Tourism Development Organization's 12 month work plan including a description of specific goals, objectives, strategies, and anticipated results.

"Grant Amount": means an amount that the Department shall pay to a Grantee for its use on the Eligible Project.

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"Grantee": means a certified Regional Tourism Development Organization that has been awarded a grant in accordance with the Act.

"Ineligible Project": means a project that is ineligible for funding as defined in Section 515.40.

"Program": means the Regional Tourism Development Organization Program described in this Part.

"Project": means the activities described by the Applicant in the Fiscal Year Work Plan and approved by the Department.

"Project Budget": means an itemized list of costs associated with the activities described in the Fiscal Year Work Plan.

"Promotional Projects": means activities which are designed to encourage overnight visits or visitors to travel to and through Illinois or encourage attendance at local events in accordance with Section 515.40(a).

"Regional Tourism Development Organization (RTDO)": means a not-for-profit entity that meets the certification criteria and is designated by the Department to receive funds under the Act.

"Tourism": means travel 50 miles or more one-way, or an overnight trip outside of a person's normal routine.

"Tourism Attraction": means fishing and hunting areas, State parks, historical/cultural sites, areas of historic or scenic interest, museums, recreation areas, botanical gardens, theme/amusement parks, interpretive programs and other facilities or businesses which attract or serve visitors that are open to the public for a minimum of 100 days per year (if the tourism attraction is entirely event driven, then it shall be open for a minimum of 200 hours per year), and are marketed and promoted to visitors from more than 50 miles away.

"Travel/Trade Show": means an exhibit/market place of travel related products and/or services.

Section 515.30 Eligible Applicants
EMERGENCY

Illinois Regional Tourism Development Organizations (RTDO) recognized by the Department as certified are eligible to receive grant funds.

Section 515.40 Eligible Use of Grant Funds
EMERGENCY

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- a) Examples of eligible Promotional Projects include, but are not limited to:
- 1) Production and printing of travel related brochures that are primarily used as fulfillment for advertising placed 50 miles outside of the regional service area;
 - 2) Advertising primarily directed toward areas 50 miles outside of the regional service area being promoted;
 - 3) Rental of billboard space and artwork, design and production of billboard advertising to promote a regional service area;
 - 4) Web site development for the regional service area;
 - 5) Marketing research for the regional service area;
 - 6) Travel/trade show booth space rental and expenses (i.e. electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for domestic marketing that represent the regional service area;
 - 7) 1-800 number telephone expenses for regional service area visitor inquiries; and,
 - 8) Purchase and use of mailing lists for direct mail promotions.
- b) Examples of projects eligible for grant administrative funding include, but are not limited to:
- 1) Photocopies;
 - 2) All postage, distribution and shipping expenses;
 - 3) Insurance;
 - 4) Audits;
 - 5) Accounting services;
 - 6) Phone;
 - 7) Rent;
 - 8) Supplies;
 - 9) Maintenance fees associated with a website;
 - 10) Travel Expenses (transportation, lodging, per diem) in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations;
 - 11) Salaries;
 - 12) Membership dues for travel related associations or organizations; and
 - 13) Equipment leasing/rental.
- c) Activities ineligible for funding include, but are not limited to:
- 1) Purchase of equipment;
 - 2) Purchase of any alcoholic beverages;
 - 3) Penalties, fines, late payment fees, service or interest charges; and,
 - 4) Any project that receives funding through the Tourism Marketing Partnership Program, Tourism Attraction Development Grant Program, or Tourism Private Sector Grant Program.

Section 515.50 Form of Certification and Application

EMERGENCY

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All communications relating to the certification and Application procedures defined in 515.60 shall be sent to the RTDO Program Manager, Department of Commerce and Community Affairs, Bureau of Tourism, 620 East Adams Street, Springfield, IL 62701. The certification and Application shall:

- a) Be typed or computer generated using the current approved format provided by the Department to Applicants upon request;
- b) Contain on original and three copies; and,
- c) Include supporting documents and attachments under a single cover.

Section 515.60 Certification and Application Process
EMERGENCY

The certification and Application process shall be as follows:

- a) Any Applicant seeking certification as a Regional Tourism Development Organization shall be certified annually by the Department.
 - 1) An Applicant must meet the following eligibility criteria in order to be considered for certification:
 - A) Be a not-for-profit entity in good standing with applicable State authorities, which is governed by a board of directors, prior to submitting a request for certification;
 - B) Have the ability to represent a multi-county regional service area as designated by the Department;
 - C) Employ one full time professional executive director that devotes a minimum of 35 hours per week to the development and marketing of tourism within the regional service area.
 - D) Possess the qualifications/experience to serve as a resource center for the counties not served by the jurisdiction of a certified Convention and Visitors Bureau hereafter referred to "uncovered areas";
 - E) Have the ability to assist the Department with the development and marketing of tourism projects of the entire regional service area; and,
 - F) Possess the ability and the equipment necessary to maintain the DCCA/Bureau of Tourism product database information.
 - 2) Applicants shall submit on or before March 31 of each Fiscal Year the following material to be considered for certification:
 - A) A request for certification;
 - B) Documentation to verify the Applicant is an Illinois not-for-profit entity governed by a board of directors and a listing of current Board Members, officers, directors, or trustees;
 - C) A statement that the organization will employ one professional executive director that will devote a minimum of 35 hours per week to the development and marketing of tourism within the Organization's regional service area prior to receiving State grant funds;
 - D) A statement listing the Organization Director's training and experience in tourism development, marketing, collecting

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

research data and reporting project measurements, and other aspects of the tourism industry;

E) A statement listing the Organization's office address within the regional service area, and its ability to maintain a staffed office accessible to the public between the hours of 8:30 a.m. to 5:00 p.m., Monday-Friday except for designated State holidays;

F) An outline of the current challenges, opportunities, weaknesses and needs of the regional service area;

G) A Fiscal Year Work Plan, with monthly timelines, describing all activities to be initiated and funded through the RTDO grant;

H) A Project Budget, based upon the allocation of funding using the RTDO grant budget form, itemizing the expenses required to complete the project as described in the Fiscal Year Work Plan; and,

I) Name, title and sample signatures for those persons who will be required to authorize all account transfers, with two signatures required.

b) Within 60 days after receipt of requests for certification the Department shall send a notice to each Applicant seeking certification, informing the Applicant of its status.

1) When a single RTDO for a designated regional service area seeks certification and has submitted all documentation, and that documentation meets the approval of the Department, the Regional Tourism Development Organization shall be certified by the Department, and the Department shall send notice of the grant award and the amount of funds available.

2) When more than one RTDO for a designated regional service area seeks certification for the same regional service area, the Department's internal review committee shall conduct an evaluation of each Application in order to determine certification.

A) The evaluation criteria includes, but is not limited to the following:

i) Does the Applicant employ a Director that has experience and training in tourism development, marketing and other aspects of the tourism industry?

ii) Does the Applicant have an office accessible to the public, the qualifications/experience to serve as a resource center for the "uncovered areas" and the ability to assist with the development and marketing of tourism projects in the regional service area?

iii) Does the Applicant possess the ability and the equipment necessary to maintain the DCCA/Bureau of Tourism product database information?

iv) Does the Applicant have experience in collecting research data and developing and reporting project

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

measurements?

v) Does the Applicant have experience in coordinating regional meetings?

vi) Does the Applicant have the capability to meet the current challenges, opportunities and needs of the regional service area included in the Fiscal Year Work Plan?

vii) Are timelines and terms of measurement identified for the Fiscal Year Work Plan?

viii) Does the Project Budget demonstrate the personnel, office location and resources necessary to complete the tasks outlined in the Application?

B) The Department's internal review committee shall evaluate the criteria using a point system with ratings of 1 through 10, using the following guidelines:

i) A rating of 1 means that the Application meets the criteria at the minimum level;

ii) A rating of 3 means that the Application meets the criteria at a below average level;

iii) A rating of 5 means that the Application meets the criteria at an average level;

iv) A rating of 7 means that the Application meets the criteria at an above average level; and

v) A rating of 10 means that the Application meets the criteria at an exceptional level.

C) The scores of the Department's internal review committee are averaged to obtain the Application's total score. An Application must receive a minimum of 40 points to be considered certified for funding. The internal review committee shall forward all eligible Applications together with its recommendations to the Director for final determination. During the final review process, the Director will determine which RTDO is certified to receive the grant.

3) A Regional Tourism Development Organization which is not certified shall have the right to appeal the Department's certification decision to the Director within 10 calendar days after receipt of that notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the Applicant chooses to submit in support of their appeal. The Director shall render a decision no later than 30 calendar days thereafter. The Director shall make a determination based upon a review of the information require and any additional material submitted by the Applicant with their appeal.

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NOTICE OF EMERGENCY RULES

Annual appropriation made by the General Assembly to the Department for the purpose of making grants under this Program may be used by the Department in any region of the State.

Section 515.80 Funding Limitation EMERGENCY

The maximum grant amount for any one Grantee is subject to the appropriations approved by the General Assembly for any given fiscal year.

Section 515.90 Grant Agreement EMERGENCY

- a) When a grant has been awarded, the Grantee and the Department shall execute an Agreement. The Agreement shall be executed by the Grantee and the Director of the Department or the Director's designee on behalf of the Department.
- b) The agreement shall contain substantive provisions including, but not limited to, the following:
 - 1) A recitation of legal authority to which the agreement is made;
 - 2) An identification of the Project scope and schedule, and the work or services to be performed or conducted by the Grantee;
 - 3) An identification of the grant amount;
 - 4) The conditions and manner by which the Department shall pay the grant amount subject at all times to annual appropriation by the General Assembly;
 - 5) A promise by the Grantee not to assign or transfer any of the rights, duties or obligations of the Grantee without the written consent of the Department;
 - 6) A promise by the Grantee not to amend the agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The Project must be completed by the completion date on the notice of grant award unless a written request for an extension is submitted no later than 30 days prior to the award completion date;
 - 7) A covenant that the Grantee shall expend the grant amount and any accrued interest only for the purposes of the Project as stated in the grant agreement and approved by the Department; and
 - 8) A covenant that the Grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Program.

Section 515.100 Computation of Time EMERGENCY

Computation of any period of time prescribed by this Part shall begin with the first business day following the day on which the act, event or development

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

initiating that period of time occurs, and shall run until the end of the last day or the next business day if the last day is a Saturday, Sunday or federal or State holiday. When the period of time is 5 days or less, Saturday, Sunday and federal or State holidays shall be excluded in the computation of time. Timeliness shall be deemed the date of postmark or the date of hand delivery.

Section 515.110 Severability EMERGENCY

If any Section, subsection, subdivision, paragraph, sentence, clause or phrase in this Part or any portion thereof is for any reason held to be unconstitutional or invalid or ineffective by any form of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Part or any portion thereof.

Section 515.120 Administrative Requirements EMERGENCY

- a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Grantees. In the event the Department suffers such a loss of funding in full or part, the Department will give the Grantee written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

- 2) Termination for Cause

- A) If the Department determines that the Grantee has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

- B) The Department shall notify the Grantee in writing within 10 working days after the determination to terminate of the reasons for such termination and the effective date of the termination. Payments made to the Grantee or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.

- 3) Termination by Agreement - The Department and the Grantee shall

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

terminate the grant in whole, or in part, when the Department and the Grantee agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Grantee shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Grantee for the Department's share of the noncancelable obligations, properly incurred by the Grantee prior to termination.

- b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Grantee under the grant shall become part of the grant when earned, as long as this amount does not exceed the maximum allowable grant award. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.
- c) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4], all funds, including any interest, remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Grantee, shall be returned to the Department within 45 days after the end of the relevant period. The Grantee agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.
- d) Audits - A Grantee shall be responsible for securing a compliance audit for any grant award exceeding \$300,000. Additionally, an audit may be required when certain risk conditions exist, including, but not limited to, a negative compliance history and disclosure of previous material audit findings. The audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2000, no later editions are incorporated).
- e) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.
- f) Monitoring and Evaluation - Grantee shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Grantee involving transactions related to a grant from

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF EMERGENCY RULES

the Department. Once the Department has concluded its monitoring activities, the Grantee will be notified of the Department's findings. If a determination of noncompliance has been made by the Department, the Grantee will be allowed an opportunity to cure any and all noncompliance issues. If any noncompliance issues cannot be resolved, the Department will issue a notice requesting that the Grantee repay any funds that are determined by the Department to have been spent in violation of the Agreement. If the Grantee fails to comply with the Department's notice, the Department shall issue a final notice providing the Grantee the opportunity to request an administrative hearing pursuant to the Department's Administrative Hearing Rules found at 56 Ill. Adm. Code 2605.

- g) Complaint Process - An administrative hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on the Grantee. In either case, the Department and the Grantee shall follow the Administrative Hearing Rules as set forth in 56 Ill. Adm. Code 2605.
- h) Certifications - The Grantee shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.
- i) Reports - Grantee shall submit, as required by the Department, reports on the financial status of the Project and reports on outcomes and results of the Project.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: General Procedures for Emissions Tests Averaging
- 2) Code Citation: 35 Ill. Adm. Code 283
- 3) Section Numbers:
283.120
- 4) Date Proposal published in Illinois Register: January 7, 2000, 24 Ill. Reg. 204
- 5) Date Adoption published in Illinois Register: September 29, 2000, 24 Ill. Reg. 14428
- 6) Date Request for Expedited Correction published in Illinois Register: February 16, 2001, 25 Ill. Reg. 2751
- 7) Adoption Effective Date: September 11, 2000
- 8) Correction Effective Date: September 11, 2000
- 9) Reason for Approval of Expedited Correction: The Agency is correcting typographic errors outlined as follows:

In Section 283.120(a), change "42 USC 7401" to "42 USC 7411" and change "42 USC 7402" to "42 USC 7412".

The Agency believes that the corrections are non-substantive, that making the corrections will result in no hardship, and that the public interest will be served by completing these corrections.

The full text of the corrected rulemaking begins on the following page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EXPEDITED CORRECTION

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 283

GENERAL PROCEDURES FOR EMISSIONS TESTS AVERAGING

SUBPART A: INTRODUCTION

Section	
283.110	Purpose
283.120	Applicability
283.130	Definitions

SUBPART B: PROCEDURES FOR AVERAGING OF TEST RESULTS

283.210	Criteria for Averaging Tests
283.220	Test Plan Requirements
283.230	Changes to the Test Plan
283.240	Averaging Procedure
283.250	Compliance Determination

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act [415 ILCS 5/4].

SOURCE: Old Part repealed at 13 Ill. Reg. 9501, effective June 12, 1989; new Part adopted at 24 Ill. Reg. 14428, effective September 11, 2000; expedited correction at 25 Ill. Reg. ~~9657-6~~ effective September 11, 2000.

SUBPART A: INTRODUCTION

Section 283.120 Applicability

For the purpose of determining the compliance of an emission unit with an applicable limitation, standard, or permit conditions, unless otherwise specified by 35 Ill. Adm. Code Subtitle B, the arithmetic average of at least three valid test runs may be used, subject to the limitations and conditions contained in this part. The emissions tests averaging procedure set forth in this part may not be used for determining the compliance status of the following types of emission units:

- a) Emission units that are subject to the testing requirements set forth in Section 111 of the Clean Air Act, 42 USC 7411 7461, Section 112 of the Clean Air Act, 42 USC 7412 7462, or the regulations promulgated under those statutes; or
- b) Emission units that are being tested for emissions generated by any of the following types of waste: hazardous waste, as defined by Section 3.15 of the Illinois Environmental Protection Act [415 ILCS 5/3.15], or municipal waste, as defined by Section 3.21 of the Illinois

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF EXPEDITED CORRECTION

Environmental Protection Act [415 ILCS 5/3.21].

(Source: Expedited correction at 25 Ill. Reg. 9657 - 6, effective September 11, 2000)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: Uniform Penalty and Interest Act
Citation: 25 ILCS 735/3-1

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 2700-57 the Internal Revenue Service announced that the underpayment rate will be 7% for the quarter beginning July 1, 2001. Therefore, the interest paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 7% from July 1, 2001 through December 31, 2001.

3. Name and address of person to contact concerning this information:

Keith Staats
General Counsel
Legal Services Office
Illinois Department of Revenue
101 W. Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7296

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: 20 ILCS 2515

2. Summary of information:

Index of Department of Revenue sales tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2000. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 86 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Alternative Apportionment	Partnerships
Apportionment - Financial Organizations	Public Law 86-272/Nexus Returns - Requirements To File
Apportionment - Sales Factor	Sales Outside The Ordinary Course of Business (Bulk Sales)
Base Income	Subtraction Modifications - Other
Composite Returns	Rulings
Exempt Organizations	Taxability In Other States
Liens	

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993,

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1994, 1995, 1996, 1997, 1998, 1999 and 2000 are available for \$3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for \$4.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

ALTERNATIVE APPORTIONMENT

IT 01-0040-GIL 04/20/2001 Taxpayers seeking to use an alternative apportionment method must file a petition in accordance with regulations. (This is a GIL.)

IT 01-0050-GIL 06/18/2001 Petition for alternative apportionment cannot be granted absent a showing that the statutory apportionment method does not fairly represent the extent of the taxpayer's business activities in Illinois. (This is a GIL.)

APPORTIONMENT - FINANCIAL ORGANIZATIONS

IT 01-0006-PLR 04/20/2001 Taxpayer factoring company and single-member LLC that has elected to be disregarded for federal income tax purposes are a single financial organization entitled to apportion business income under IITA Section 304(c). (This is a PLR.)

APPORTIONMENT - SALES FACTOR

IT 01-0041-GIL 04/24/2001 No throwback rule applies to business income from investments in intangible assets which may not be taxed in another state. (This is a GIL.)

BASE INCOME

IT 01-0039-GIL 04/18/2001 Income from IRC Section 529 plans excluded from federal gross income is excluded from base income. (This is a GIL.)

IT 01-0043-GIL 05/02/2001 Illinois follows IRC Section 338(h)(10) treatment without a separate election. (This is a GIL)

IT 01-0045-GIL 05/10/2001 Tax treatment of repayment of incentive compensation received in an earlier year is governed by the Internal Revenue Code. (This is a GIL.)

COMPOSITE RETURNS

IT 01-0051-GIL 06/19/2001 Permission is granted to request to allow nonresident partners to claim a credit for taxes paid on their behalf on a composite return. (This is a GIL.)

EXEMPT ORGANIZATIONS

IT 01-0038-GIL 04/16/2001 Organizations exempt from federal income taxation under IRC Section 501(a) are subject to Illinois income tax only on their unrelated business taxable income. (This is a GIL.)

LIENS

IT 01-0049-GIL 06/07/2001 Liens for unpaid income taxes arise by operation of law at the time the tax is due. (This is a GIL.)

PARTNERSHIPS

IT 01-0044-GIL 05/09/2001 General discussion of tax treatment of a limited liability company that has elected to be treated as a partnership for federal income tax purposes. (This is a GIL.)

PUBLIC LAW 86-272/NEXUS

IT 01-0037-GIL 04/13/2001 Nexus determinations generally cannot be made in the ruling process. (This is a GIL.)

IT 01-0046-GIL 05/15/2001 Nexus determinations are generally not proper subjects of a letter ruling. (This is a GIL.)

RETURNS - REQUIREMENTS TO FILE

IT 01-0047-GIL 06/07/2001 The Illinois Income Tax Act does not mandate electronic filing of income tax returns. (This is a GIL.)

SALES OUTSIDE THE ORDINARY COURSE OF BUSINESS (BULK SALES)

IT 01-0036-GIL 04/04/2001 Bulk sales notification requirements do not apply to transfers under federal bankruptcy court proceedings. (This is a GIL.)

SUBTRACTION MODIFICATIONS - OTHER RULINGS

IT 01-0048-GIL 06/07/2001 No subtraction modification is allowed for gambling losses not deductible in computing adjusted gross income. (This is a GIL.)

TAXABILITY IN OTHER STATES

IT 01-0042-GIL 04/27/2001 A taxpayer subject to Michigan Single Business Tax is taxable in Michigan for purposes of allocation and apportionment of income. (This is a GIL.)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturers
Agricultural Producers and Products Assessments	Manufacturing Machinery & Equipment
Automobile Renting Tax	Medical Appliances
Bingo	Miscellaneous
Books and Records	Motor Fuel Tax
Bulk Sales	Motor Vehicles
C.O.A.D.	Newsprint and Ink
Certificate of Registration	Nexus
Charitable Games	Nonprofit Institutions
Cigarette Tax	Occasional Sale
Claims for Credit	Oil Field Equipment
Coal Fueled Devices	Penalties
Coal Mining Equipment	Pollution Control Facilities
Coins and Precious Metals	Prepaid Sales Tax
	Products of Photoprocessing

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Computer Software
 Construction Contractors
 Cooperative Associations
 Delivery Charges
 Distillation Machinery
 Drug Tax Stamps
 Drugs
 Electricity Excise Tax
 Enterprise Zones
 Exempt Organizations
 Farm Machinery & Equipment
 Federal Excise Tax
 Financial Institutions
 Food
 Food, Drugs & Medical Appliances
 Governmental Bodies
 Graphic Arts
 Gross Receipts
 High Impact Business
 Hotel Operators' Tax
 Interest
 Interstate Commerce
 Itinerant Vendors
 Invested Capital Tax
 Leasing
 Liquor Tax
 Local Taxes
 Mandatory Service Charges
 Manufacturer's Purchase Credit

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.revenue.state.il.us/.

The annual index of Sales and Excise Tax letter rulings (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
 Legal Services Office
 101 West Jefferson Street
 Springfield, Illinois 62794
 Telephone: (217) 782-6996

AUTOMOBILE RENTING TAX

ST 01-0078-GIL 04/18/2001 This letter rescinds part of General Information Letter ST-99-0128 and clarifies that motorcycles or motor driven cycles are subject to liability under the Automobile Renting Occupation and Use Tax Act. See 86 Ill. Adm. Code 180.101. (This is a GIL.)

BOOKS AND RECORDS

ST 01-0076-GIL 04/17/2001 Generally taxpayers are required to maintain business books and records during any period for which the Illinois Department of Revenue is authorized to issue a Notice of Tax Liability (NTL). See 86 Ill. Adm. Code 130.815. (This is a GIL.)

CLAIMS FOR CREDIT

ST 01-0102-GIL 06/21/2001 If a taxpayer pays an amount of tax under the Retailers' Occupation Tax that is not due, either as a result of a mistake of fact or an error of law, the taxpayer may file a claim for credit with the Department. No credit shall be given the taxpayer unless the taxpayer shows that he or she has borne the burden of the tax or has unconditionally repaid the amount of the tax to the purchaser from whom it was collected. See 86 Ill. Adm. Code 130.1501. (This is a GIL.)

COMPUTER SOFTWARE

ST 01-0015-PLR 04/18/2001 This letter confirms that the transfers of software made pursuant to the Master Software License Agreement referenced in the letter qualify as licenses of computer software and are not subject to Retailers' Occupation Tax or Use Tax liability. 86 Ill. Adm. Code 130.1935. (This is a PLR.)

ST 01-0019-PLR 05/29/2001 This letter concerns whether the contract in question meets the criteria of 86 Ill. Adm. Code 130.1935(a)(1) to qualify as a nontaxable license of software. (This is a PLR.)

ST 01-0075-GIL 04/16/2001 Sales of canned software are taxable retail sales. Maintenance agreements are dependent upon contractual terms. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 01-0097-GIL 06/14/2001 Meeting the requirements of 86 Ill. Adm. Code 130.1935(a)(1)(A) - (E), records reflecting a policy of providing replacement software to licensees at minimal or no

charge is exempt from Retailers' Occupation Tax. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 01-0093-GIL 05/31/2001 An item becomes realty after installation if it is physically affixed to the realty and the party affixing the item intends to make it a part of the realty. (This is a GIL.)

ELECTRICITY EXCISE TAX

ST 01-0068-GIL 04/04/2001 The Electricity Excise Tax is imposed upon the privilege of using in this State electricity purchased for use or consumption and not for resale, other than by municipal corporations owning and operating a local transportation system for public service. The incidence of this tax is on the consumers of electricity. See 35 ILCS 640/1 et seq. (This is a GIL.)

ENTERPRISE ZONES

ST 01-0012-PLR 04/05/2001 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

ST 01-0014-PLR 04/09/2001 The enterprise zone building materials exemption allows retailers located in the municipality or unincorporated area of a county that established an enterprise zone to make tax-free sales of building materials that will be incorporated into real estate located in the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a PLR.)

EXEMPT ORGANIZATIONS

ST 01-0024-PLR 06/26/2001 Only organizations that are exclusively religious, educational, or charitable and certain cultural/arts or senior citizen recreational organizations qualify for the statutory exemption required to make tax-free purchases of tangible personal property for use or consumption. See 35 ILCS 120/2-5. This PLR rescinds a PLR issued October 1, 1998 (ST 98-0015). (This is a PLR.)

ST 01-0072-GIL 04/16/2001 Organizations that make application to the Department of Revenue and are determined to be exclusively

religious, educational, or charitable, receive an exemption identification number (an "E" number). See 86 Ill. Adm. Code 130.2007. (This is a GIL.)

ST 01-0096-GIL 06/14/2001 86 Ill. Adm. Code 130.2005(b)(4)(C)(ii) provides that "[s]chools are not taxable on their sales of school annuals because these are noncompetitive items." However, sales made by an agent on behalf of an unknown or undisclosed principal will be taxable to the agent. See 86 Ill. Adm. Code 130.1915. (This is a GIL.)

ST 01-0104-GIL 06/22/2001 Sales to exempt organizations of tangible personal property required to be registered with an agency of this State may be made tax exempt even if a member of the organization is listed along with the exempt organization on the application for title. See 86 Ill. Adm. Code 130.2005 and 130.2007. (This is a GIL.)

ST 01-0108-GIL 06/25/2001 Organizations that are exclusively religious, educational, or charitable can make application to the Department for exemption identification numbers required to make tax-free purchases of tangible personal property for use or consumption. See, 86 Ill. Adm. Code 130.2007. (This is a GIL.)

FOOD

ST 01-0089-GIL 05/09/2001 All sales by retail establishments that provide facilities for on-premises consumption of food are subject to the high rate of tax unless the establishments utilize separate means of collection and physically partition the areas in which food not for immediate consumption is sold. See 86 Ill. Adm. Code 130.310(b)(2)(A). (This is a GIL.)

ST 01-0105-GIL 06/22/2001 All sales by retail establishments that provide facilities for on-premises consumption of food are subject to the high rate of tax unless the establishments utilize separate means of collection and physically partition the areas in which food not for immediate consumption is sold. See 86 Ill. Adm. Code 130.310(b)(2)(A). (This is a GIL.)

ST 01-0109-GIL 06/28/2001 A 1½ sales tax rate, plus any applicable local taxes, is applied to food sold for human consumption to be consumed off the premises where sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption), drugs, medicines and medical appliances. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

FOOD, DRUGS - MEDICAL APPLIANCES

ST 01-0101-GIL - 06/21/2001 Products that qualify as medicines, drugs, or medical appliances are taxed at the reduced low rate of 1% plus applicable local taxes. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GOVERNMENTAL BODIES

ST 01-0107-GIL 06/22/2001 Tax does not apply to the renting of automobiles to a governmental body so long as such transaction meets the requirements of 86 Ill. Adm. Code 180(a)-(h). (This is a GIL.)

GRAPHIC ARTS

ST 01-0016-PLR 04/19/2001 Special order printed material that would not be considered stock or standard items and would not be sold to someone other than the purchaser for substantially the same price would not be subject to the Retailers' Occupation Tax when sold, but would be subject to the Service Occupation Tax. See 86 Ill. Adm. Code 130.2000. (This is a PLR.)

GROSS RECEIPTS

ST 01-0098-GIL 06/15/2001 Caterers incur Retailers' Occupation Tax liability on their entire gross receipts from sale, without deductions on account of overhead costs, such as charges for linens, dishes, flowers or delivery. (This is a GIL.)

HOTEL OPERATORS' TAX

ST 01-0023-PLR 06/25/2001 Other than rentals to certain diplomatic personnel, there is no exemption from Hotel Operator's Occupation Tax simply because the renter is a tax exempt or nonprofit organization, such as a church, charity or school or even unit of government, including the U.S. Government. See 86 Ill. Adm. Code 480.101. (This is a PLR.)

INTERSTATE COMMERCE

ST 01-0082-GIL 04/30/2001 Retailers' Occupation Tax does not apply where sellers ship goods by carrier or by mail, according to the terms of agreements with purchasers, and the seller delivers the goods from a point within Illinois to a point outside Illinois and the goods are not to be returned to Illinois. See 86 Ill. Adm. Code 130.605. (This is a GIL.)

LEASING

ST 01-0074-GIL 04/16/2001 This letter addresses questions concerning the taxation of different lease charges and fees relating to the lease. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 01-0083-GIL 05/01/2001 Lessors of tangible personal property under true leases in Illinois are deemed end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 01-0091-GIL 05/15/2001 Under Illinois law, "true leases" and "leases" that are actually conditional sales contracts are treated differently for Retailers' Occupation and Use Tax purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

LOCAL TAXES

ST 01-0018-PLR 05/16/2001 The imposition of the various sales tax related local taxes in Illinois are triggered when "selling" occurs in a jurisdiction imposing a tax. 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 01-0020-PLR 06/18/2001 If a purchase order for the sale of tangible personal property is accepted in a jurisdiction in Illinois that imposes a local retailers' occupation tax, that local tax will be incurred on that sale. See 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 01-0025-PLR 06/26/2001 The imposition of the various sales tax related local taxes in Illinois are triggered when "selling" occurs in a jurisdiction imposing a tax. 86 Ill. Adm. Code 270.115. (This is a PLR.)

ST 01-0071-GIL 04/16/2001 If a purchase order is accepted outside this State but the tangible personal property which is sold is in an inventory of the retailer located within the metropolitan region at the time of sale (or is subsequently produced in the region), then delivered in Illinois to the purchaser, the place where the property is located at the time of sale (or is subsequently produced in Illinois) will determine where the seller is engaged in business for Regional Transportation Authority Retailers' Occupation Tax purposes with respect to such sale. See 86 Ill. Adm. Code 320.115. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

ST 01-0077-GIL 04/18/2001 Retailers and servicemen may require that separate MPC certificates be provided for each invoice or purchase in order to properly document those sales. See 86 Ill. Adm. Code 130.331. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 01-0069-GIL 04/05/2001 Machinery and equipment used primarily in the manufacturing or assembling of tangible personal property for wholesale or retail sale or lease is exempt from the Retailers' Occupation Tax. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

MOTOR FUEL TAX

ST 01-0094-GIL 06/07/2001 This letters discusses requirements Ill. Adm. Code 130.2080 and 86 Ill. Adm. Code 500. for tax-free sales of motor fuel to the Federal government. See 86 210. (This is a GIL.)

NEXUS

ST 01-0088-GIL 05/09/2001 This letter discusses nexus. See Quill Corp. v. North Dakota, 112 S.Ct. 1904 (1992). (This is a GIL.)

ST 01-0090-GIL 05/15/2001 This letter discusses the issue of nexus. See Quill v. North Dakota, 112 S. Ct. 1902 (1992). (This is a GIL.)

ST 01-0095-GIL 06/07/2001 A "retailer maintaining a place of business in Illinois" as described in 86 Ill. Adm. Code 150.201(i) is required to register with the State as an Illinois Use Tax collector. See 86 Ill. Adm. Code 150.801. (This is a GIL.)

REPAIRS

ST 01-0100-GIL 06/18/2001 This letter discusses the taxability of maintenance agreements and repairs. See 86 Ill. Adm. Code 140.301. (This is a GIL.)

RETURNS

ST 01-0084-GIL 05/02/2001 Retailers are authorized to convert from the gross receipts to the gross sales basis of filing Retailers' Occupation Tax returns pursuant to 86 Ill. Adm. Code 130.401. (This is a GIL.)

ST 01-0106-GIL 06/22/2001 Retailers are required to file sales tax returns on the gross receipts basis according to Section 3 of the Retailers' Occupation Tax Act, 35 ILCS 120/3. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 01-0081-GIL 04/27/2001 The Illinois Retailers' Occupation Tax and Use Tax do not apply to sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

ST 01-0085-GIL 05/02/2001 The Retailers' Occupation and Use Tax Acts provide an exemption for sales of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.430. (This is a GIL.)

SALE AT RETAIL

ST 01-0080-GIL 04/26/2001 The Retailers' Occupation Tax Act imposes a tax upon persons engaged in the business of selling tangible personal property at retail. 35 ILCS 120/2 (1998 State Bar Edition). (This is a GIL.)

ST 01-0099-GIL 06/15/2001 This letter describes the sale at retail of shelving and signs by a manufacturer. See 86 Ill. Adm. Code 130.1401. (This is a GIL.)

SALE FOR RESALE

ST 01-0086-GIL 05/02/2001 To be valid in Illinois a Certificate of Resale must contain the items of information listed in 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 01-0087-GIL 05/03/2001 In order for a Certificate of Resale to be valid in Illinois, it must contain the items of information set out in 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 01-0111-GIL 06/29/2001 Illinois law requires a Certificate of Resale to contain the information set out in 86 Ill. Adm. Code 130.1405(b). (This is a GIL.)

ST 01-0112-GIL 06/29/2001 Sales of tangible personal property, which property, to the extent not first subjected to a use for which it was purchased, as an ingredient or constituent, goes into and forms a part of tangible personal property subsequently the subject of a "sale at retail," are not sales at retail, provided that the property purchased is deemed to be purchased for the purpose of resale. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

SALE OF SERVICE

ST 01-0110-GIL 06/28/2001 Illinois Retailers' Occupation and Use Taxes (sales taxes) do not apply to sales of service that do not involve the transfer of tangible personal property to customers. However, if tangible personal property is transferred incident to sales of service, this will result in either Service Occupation Tax liability or Use Tax liability for the servicemen. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

SERVICE OCCUPATION TAX

ST 01-0017-PLR 05/14/2001 Sellers of special order machines are considered to be engaged primarily in a service occupation, rather than being engaged in the business of selling tangible personal property, if the test set out in 86 Ill. Adm. Code 130.2115(b)(1) is met. See 86 Ill. Adm. Code 130.2115. (This is a PLR.)

ST 01-0021-PLR 06/20/2001 This letter provides a ruling on a contract regarding the cladding of windows for a construction contractor. See 86 Ill. Adm. Code 130.2115. (This is a PLR.)

ST 01-0026-PLR 06/29/2001 The Service Occupation Tax is a tax imposed upon servicemen engaged in the business of making sales of service in this State, based on the tangible personal property transferred incident to sales of service. See, 35 ILCS 115/3. (This is a PLR.)

ST 01-0079-GIL 04/20/2001 Under the Service Occupation Tax Act, servicemen are taxed on tangible personal property transferred incident to sales of service. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

ST 01-0103-GIL 06/21/2001 If the sign vendor produces a sign on special order of the customer and the sign is so specialized that it would have no commercial value to anyone other than that particular customer who placed the order, the sign vendor would incur a Service Occupation Tax liability instead of a Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 140.101 (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 01-0070-GIL 04/09/2001 The Telecommunications Excise Tax Act imposes a tax on the act or privilege of originating or receiving intrastate or interstate telecommunications by persons in Illinois at the rate of 7% of the gross charges for such telecommunications purchased at retail from retailers by such persons. See 86 Ill. Adm. Code 495. (This is a GIL.)

ST 01-0092-GIL 05/23/2001 This letter discusses the Telecommunications Excise Tax treatment of telecommunications associated with Internet services. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

TRADE-INS

ST 01-0022-PLR 06/22/2001 Meeting the requirements of 86 Ill. Adm. Code 130.425(a)-(b), traded-in tangible personal property of the like kind or character allows for a credit toward the final selling price of the tangible personal property purchased. (This is a PLR.)

USE TAX

ST 01-0013-PLR 04/09/2001 An exemption is available for a nonresident individual who purchases tangible personal property outside Illinois and uses it outside this State for at least three months prior to bringing the property to this State. (This is a PLR.)

ST 01-0073-GIL 04/16/2001 Under the Use Tax Act, a tax is imposed upon the privilege of using in this State tangible personal property purchased at retail from a retailer. See 86 Ill. Adm. Code 150.101 (This is a GIL.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Conservation Reserve Enhancement Program (CREP)
- 2) Code Citation: 17 Ill. Adm. Code 1515
- 3) The Notice of Proposed Amendments being corrected appeared at: 25 Ill. Reg. 8086, July 6, 2001
- 4) The information being corrected is as follows:

Initial Regulatory Flexibility Analysis:

Types of small businesses, small municipalities and not for profit corporations affected: The Conservation Reserve Enhancement Program (CREP) is a voluntary program for Illinois landowners, including farmers and other small businesses, to enroll their real estate in this program.

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- a) Part(s) (Heading and Code Citation): Regional Tourism Development Organization Program (14 Ill. Adm. Code 515)

1) Rulemaking:

A) Description: As a result of legislation passed and signed into law by the Governor, the Department of Commerce and Community Affairs may now make grants to the Regional Tourism Development Organizations (RTDOs), thus requiring the creation of new grant program rules. The mission of the RTDOs is to carry out DCCA's tourism goals in a regional setting. The ability to award grants will make it easier to support the ongoing activities of the regional organizations, making the RTDO's much more effective partners in promoting Illinois tourism at the regional level.

B) Statutory Authority: Implementing Section 605-710 of the Civil Administrative Code of Illinois [20 ILCS 605/605-710] and authorized by Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: July 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: No effect

F) Agency contact person for information:

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): High Technology School-To-Work Program (14 Ill. Adm. Code 535)

1) Rulemaking:

A) Description: A new rule created by SB 845, which establishes the High Technology School-To-Work Program. This program provides grant funding to employers/associations from high technology industries who partner with educational institutions to combine

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traditional classroom instruction and real-life learning in on-the-job settings. The goal is to increase the number of students making the transition from school to highly skilled technology occupations.

B) Statutory Authority: SB 845

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: October 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: The impact on small businesses, small municipalities, or not-for-profit corporations will be minimal.

F) Agency contact person for information:

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Technology Advancement and Development Act Programs (14 Ill. Adm. Code 545)

1) Rulemaking:

A) Description: This proposed rule will replace the existing administrative rule implementing the Technology Advancement Development Act. The Department is repealing the existing rule in its entirety and is simultaneously replacing with the proposed rule. The proposed rule is a thorough rewrite which simplifies and updates the rule.

B) Statutory Authority: Implementing and authorized by the Technology Advancement and Development Act [20 ILCS 700].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: August 2001

E) Effect on small businesses, small municipalities, or

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not-for-profit corporations: Programs and activities authorized under the Act and this proposed rule primarily target small and medium sized businesses with 1,000 or fewer employees. Targeted firms are those involved in advanced technology projects including, but not limited to projects designed to foster greater knowledge or understanding, or which are designed for the purposes of improving, designing, developing, prototyping, producing or commercializing new products, techniques, processes or technical devices in present or emerging fields of health care and biomedical research, information and communication systems, computing and computer services, electronics, manufacturing, robotics and materials research, transportation and aerospace, agriculture and biotechnology, and finance and services. Not-for-profit and for-profit corporations may serve as an "intermediary organization" under grant or contract with the Department to operate one or more programs.

F) Agency contact person for information:

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Eliminate the Digital Divide Program (14 Ill. Adm. Code 546)

1) Rulemaking:

A) Description: The recently passed Telecommunications bill (i.e., HB 2900) amended the Eliminate the Digital Divide Law [30 ILCS 780]. The general purpose of the Act has been broadened beyond the support of Community Technology Centers. Public hospitals, libraries, and park districts have now been added to the list of entities eligible to apply for a grant under the Community Technology Center Grant Program. The threshold for being determined an "eligible community" has also been lowered. "Training and instruction" has been added to the list of eligible activities. Additionally, grantees are now required to provide a minimum of 12 hours of public access to computers and related instruction at one of their educational facilities each week. Finally, the Department is proposing several minor editorial amendments to the rule.

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B) Statutory Authority: Implementing Section 5-30 and authorized Section 5-105 of the Eliminate the Digital Divide Law [30 ILCS 780].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: August 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Eligible applicants will now include public hospitals, libraries, park districts, educational agencies, public and private nonprofit and for-profit agencies and organizations. These entities may apply for grant funds under the Community Technology Center Grant program "Subpart B of this rule" to undertake activities defined as eligible under the Eliminate the Digital Divide Law [30 ILCS 780].

F) Agency contact person for information:

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Job Training and Economic Development Demonstration Program (56 Ill. Adm. Code 2660)

1) Rulemaking:

A) Description: Job Training and Economic Development Grant Program: Revising the definition of what the program considers "Low Wage".

B) Statutory Authority: Implementing Section 46.19j of the Civil Administrative Code of Illinois [20 ILCS 605/46.19j] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 6605/46.20].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: August 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Changing the definition of "Low Wage"

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will allow more businesses to partner with our grant funded Community Based Organizations.

F) Agency contact person for information:

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): International Tourism Program (14 Ill. Adm. Code 555)

1) Rulemaking:

A) Description: The recently passed International Tourism Program bill (SB 926) amends the percentage that the Chicago Convention and Tourism Bureau will receive. It also provides that, in certain circumstances determined by the Director of the Department of Commerce and Community Affairs, the City of Chicago's Office of Tourism and any other convention and tourism bureau may provide matching funds equal to no less than 50% of the grant amount to be eligible for an international tourism grant. One-half of this 50% may be provided through in-kind contributions. B) Statutory Authority: Implementing and authorized by Section 605-707 of the Civil Administrative Code of Illinois [20 ILCS 605/605-707].

C) Scheduled meeting/hearing date: To be announced

D) Date agency anticipates First Notice: September 2001

E) Effect on small businesses, small municipalities, or not-for-profit corporations: Positive. Those certified convention and visitors bureaus that receive grant money for the purposes of marketing to the international visitor have the potential to increase revenues in their designated service areas because international visitors outspend domestic ones 4 to 1 by staying longer and spending more per day.

F) Agency contact person for information:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

JULY 2001 REGULATORY AGENDA

Raya Bogard
Administrative Code Rules Manager
Illinois Department of Commerce and
Community Affairs
100 West Randolph, Suite 3-400
Chicago, Illinois 60601
312/814-9593

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF PROFESSIONAL REGULATION

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- a) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)

1) Rulemaking:

- A) Description: Ethical standards for this industry will be proposed.
- B) Statutory Authority: [225 ILCS 425]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed collection agencies will be affected.
- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

- A) Description: Various sections will be amended to provide consistency throughout the Act and Rules.
- B) Statutory Authority: [225 ILCS 107]
- C) Schedule meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed professional counselors and licensed clinical professional counselors will be affected.

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F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: Nonec) Part(s) (Heading and Code Citation): Dental Practice Act (68 Ill. Adm. Code 1220)1) Rulemaking:

A) Description: Various sections will be amended to provide consistency throughout the Act and Rules, including examination retake requirements.

B) Statutory Authority: [225 ILCS 25]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed dentists and dental hygienists may be affected.

F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.d) Part(s) (Heading and Code Citation): Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)1) Rulemaking:

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A) Description: Application and renewal fees will be increased.

B) Statutory Authority: [225 ILCS 430]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Fall 2001

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed detection of deception examiners and applicants for licensure will be affected.

F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: Nonee) Part(s) (Heading and Code Citation): Nursing and Advanced Practice Nursing Act (68 Ill. Adm. Code 1300)1) Rulemaking:

A) Description: Various sections will be amended to provide consistency throughout the Act and Rules, including modifying the examination and remedial education requirements pursuant to Public Act 92-39.

B) Statutory Authority: [225 ILCS 65]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed practical nurses and registered nurses will be affected.

F) Agency contact person for information:

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 2001 REGULATORY AGENDA

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Physical Therapy Licensing Act (68 Ill. Adm. Code 1350)

1) Rulemaking:

A) Description: This Part will be modified to provide for credentialing of non-approved educational programs and to provide for continuing education.

B) Statutory Authority: [225 ILCS 90]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists may be affected.

F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

A) Description: This Part will be amended to clarify various provisions relating to continuing education, including approved sponsors and CE earned in other jurisdictions.

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JULY 2001 REGULATORY AGENDA

B) Statutory Authority: [225 ILCS 106]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: July 2001

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed respiratory care practitioners may be affected.

F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813
 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

h) Part(s) (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)

1) Rulemaking:

A) Description: This Part will be amended to provide for examination of applicants pursuant to Public Act 91-950.

B) Statutory Authority: [225 ILCS 335]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed roofing contractors and applicants for licensure will be affected.

F) Agency contact person for information:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217/785-0813

DEPARTMENT OF PROFESSIONAL REGULATION

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Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Veterinary Medicine and Surgery Practice Act of 1994 (68 Ill. Adm. Code 1500 and 1505)

1) Rulemaking:

A) Description: Technical clean-up changes may be made in these Parts, including approving continuing education sponsors.

B) Statutory Authority: [225 ILCS 115]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed veterinarians and veterinary technicians and applicants for licensure will be affected.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 10, 2001 through July 16, 2001 and have been scheduled for review by the Committee at its August 7, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
8/22/01	Department of Natural Resources, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	5/11/01 25 Ill Reg 6103	8/7/01
8/23/01	Illinois Criminal Justice Information Authority, Protection of Human Subjects in Research Conducted by the Authority (20 Ill Adm Code 1580)	5/4/01 25 Ill Reg 5796	8/7/01
8/26/01	Department of Public Health, Distribution of Medical Student Scholarship Payback Funds (77 Ill Adm Code 594)	5/25/01 25 Ill Reg 6623	8/7/01
8/29/01	Department of Central Management Services, Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment (74 Ill Adm Code 900)	4/27/01 25 Ill Reg 5686	8/7/01
8/29/01	Department of Transportation, Financing of Traffic Control Signal Installation, Modernization, Maintenance, and Operation on Streets and Highways Under State Jurisdiction (92 Ill Adm Code 544)	5/18/01 25 Ill Reg 6461	8/7/01
8/29/01	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	5/18/01 25 Ill Reg 6446	8/7/01

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

8/29/01	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	5/11/01 25 Ill Reg 6108	8/7/01
8/29/01	Department of Revenue, Use Tax (86 Ill Adm Code 150)	5/11/01 25 Ill Reg 6122	8/7/01

PROCLAMATIONS

2001-341

MARK W. GREGORY DAY

WHEREAS, Mark W. Gregory was born October 13, 1937, in Moweaqua, Illinois, to Lloyd and Helen Gregory; and

WHEREAS, he graduated as valedictorian from Moweaqua High School in 1955, and went on to Eastern Illinois University where he earned a Bachelor of Science in Education Degree; and

WHEREAS, Mark continued his education by earning a Master of Arts Degree from the University of Northern Colorado in 1963, and a Certificate of Advanced Study from the University of Illinois in 1981; and

WHEREAS, Mark began his career in education as a band instructor at Moweaqua High School, where he worked for 11 years; and

WHEREAS, he continued his role of educator as Principal of Moweaqua Elementary School for two years before becoming Superintendent of Moweaqua Community Unit District 6A for 20 years; and

WHEREAS, in 1992, Mark became Superintendent of Central A&M Community Unit District 21; and

WHEREAS, Mark also serves as moderator, deacon, youth sponsor and choir director of the First Baptist Church in Moweaqua; and

WHEREAS, he belongs to many different organizations, including the Illinois Association of School Administrators, the Moweaqua Rotary Club, Phi Delta Kappa Educational Honorary Fraternity, Kappa Delta Pi National Honor Society in Education, and the American Baptist Churches of the Great Rivers Region; and

WHEREAS, Mark is a loving husband to his wife Von Arlene and devoted father to his three sons, Jason, Nathan and Caleb; and

WHEREAS, Mark is retiring after 42 years of dedicated service to children and education; and

WHEREAS, the Central A&M Board of Education is honoring Mark on June 3, 2001, in the Central A&M High School Library in Moweaqua;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 3, 2001, as MARK W. GREGORY DAY in Illinois.

Issued by the Governor May 31, 2001.

Filed by the Secretary of State June 7, 2001.

2001-342

MSGR. CANNON JAROSLAW SWYCHUK DAY

WHEREAS, Msgr. Canon Jaroslaw Swyschuk is celebrating his 50th Anniversary of Priesthood on June 9, 2001; and

WHEREAS, Msgr. Canon Jaroslaw Swyschuk was an assistant at St. Nicholas Cathedral from 1962-1982, and afterwards he spent part of his active missionary life in Nazareth, South America, India and Ukraine establishing missions, a seminary and a museum in Ukraine; and

WHEREAS, Msgr. Canon Jaroslaw Swyschuk returned to St. Nicholas Cathedral in 1999 and was assigned by Bishop Michael Wlachar, CSSR as rector-pastor; and

WHEREAS, in Msgr. Canon's honor, the Divine Liturgy of Thanksgiving will be offered at St. Nicholas Ukrainian Catholic Church followed by a banquet in the St. Nicholas Ukrainian Catholic School Auditorium on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as MSGR. CANNON JAROSLAW SWYSCHUK DAY in Illinois.
 Issued by the Governor May 31, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-343

WAYNE A. BLAKENEY DAY

WHEREAS, Wayne Blakeney was born September 22, 1916, in Ridge Farm, Illinois, to Fred and Bessie Blakeney; and
 WHEREAS, Wayne Blakeney was a member of the 33rd Division of the National Guard and was activated into the United States Army, where he served as a mess sergeant in the 99th Division; and
 WHEREAS, he was stationed in Europe during World War II and fought in the Battle of the Bulge; and
 WHEREAS, Wayne Blakeney was the past owner and operator of the Shady Rest, the Hut Restaurant and the Ridge Farm Drug Store, and in 1960 he built, owned, and operated Ridgeway Lanes Bowling Alley in Ridge Farms until he retired in 2000; and
 WHEREAS, Wayne Blakeney was a leading citizen of the community and a member of Ridge Farm Church of the Nazarene, Ridge Farm Lions Club, Illiana Antique Auto Club and the American Legion; and
 WHEREAS, he joined the Ridge Farm Lions Club in 1946, six years after the club was formed, and served as First Vice President, President and Director; and
 WHEREAS, the Lions Club is honoring Wayne Blakeney by naming the community building the Wayne A. Blakeney Community Center on August 18, 2001;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 18, 2001, as WAYNE A. BLAKENEY DAY in Illinois.
 Issued by the Governor May 31, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-344

AMERICANS WITH DISABILITIES ACT DAY

WHEREAS, under the Americans with Disabilities Act (ADA), the State is committed to increasing the opportunities for Illinois citizens with disabilities so they can be fully included in employment, transportation, education, communication and community opportunities; and
 WHEREAS, Illinois has promoted independence, equal opportunity and self-sufficiency for people with disabilities as full participants in our society through the passage of ADA; and
 WHEREAS, Illinois continues to be a leader in promoting accessibility and independence by implementing civil rights legislation; and
 WHEREAS, the year 2001 marks the 11th anniversary of ADA's civil rights guarantee for individuals with disabilities; and
 WHEREAS, this year's theme, "ADA Works", illustrates the progress that has been made in opening doors for people with disabilities to public access, communication, employment, recreation, government and transportation; and
 WHEREAS, the year 2001 marks the 26th anniversary of the Individuals with Disabilities Education Act;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

July 26, 2001, as AMERICANS WITH DISABILITIES ACT DAY in Illinois.
 Issued by the Governor June 1, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-345

MAKE A DIFFERENCE DAY

WHEREAS, each year *USA WEEKEND* magazine and the Points of Light Foundation challenge Americans to spend their Saturday "making a difference" in their communities and in the lives of those in need; and
 WHEREAS, Make a Difference Day was founded to promote volunteer efforts that make our community a better, cleaner, safer place to live, work and play; and,
 WHEREAS, last year more than 2.2 million people volunteered on this one day and millions of people benefited from their efforts; and
 WHEREAS, this year marks the 11th annual Make A Difference Day and millions of volunteers, corporations, government leaders and charitable organizations are expected to be participating in the Make a Difference Day activities; and
 WHEREAS, a day of volunteerism and community service is valuable to the community and gives a feeling of accomplishment and compassion to every participant;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as MAKE A DIFFERENCE DAY in Illinois.
 Issued by the Governor June 1, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-346

MARY JAROS ASTROTH DAY

WHEREAS, Mary Jaros Astroth was born September 10, 1901, in Olesna, Czechoslovakia, to John Jaros and Catherine Hapet Jaros; and
 WHEREAS, in 1906, Mary came to America with her mother, brother, and sister, where they met her father in Valley Park, Missouri; and
 WHEREAS, after attending school for only four years, Mary continued to teach herself, eventually learning spelling and arithmetic at a genius level; and
 WHEREAS, Mary and her family moved to Alton, Illinois, when Mary was 12 years old, and she started working at the Tannery in Hartford; and
 WHEREAS, at age 18, Mary met August "Whitey" Henry Stroth at a carnival in Alton, and they were married on October 4, 1919, at St. Patrick's Catholic Church in Alton; and
 WHEREAS, two years later, Mary became a United States citizen, and she and Whitey moved to Roxana, Illinois, where they raised six children, including a set of twin boys; and
 WHEREAS, after moving to Alton in 1939, Mary and Whitey bought a tavern on Belle Street and operated it until October 1970; and
 WHEREAS, Mary's greatest loves are her family, church, sports and pinochle, which she plays with her grandchildren, sometimes into the early hours of the morning; and
 WHEREAS, Mary has 25 grandchildren, 75 great-grandchildren, five great-great-grandchildren, and four step-great-great-grandchildren; and

WHEREAS, Mary is celebrating her 100th birthday on September 10, 2001;
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 September 10, 2001, as MARY JAKOS ASTROTH DAY in Illinois.
 Issued by the Governor June 1, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-347

PARKS AND RECREATION MONTH

WHEREAS, Illinois has long been recognized as a state with a strong
 commitment and dedication to providing park and recreational opportunities for
 all its citizens; and

WHEREAS, Illinois park districts, forest preserves, conservation districts
 and recreation agencies are the backbone of this outstanding park system which
 has been nationally recognized for its excellence; and

WHEREAS, it is the goal of this State to make sure that all Illinoisans
 are able to pursue recreational opportunities and enjoy the beauty of park land
 in proximity to where they work and live; and

WHEREAS, the benefits of these activities are health, vitality, longevity,
 productivity and the development of social, athletic and creative skills; and

WHEREAS, Illinois is recognized as a great place to work and play because
 of the emphasis and priority we place on creating park and recreational
 opportunities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 July 2001 as PARKS AND RECREATION MONTH in Illinois.

Issued by the Governor June 1, 2001.

Filed by the Secretary of State June 7, 2001.

2001-348

ZETA BETA TAU FRATERNITY DAYS

WHEREAS, founded in 1898, Zeta Beta Tau originally served as a Zionist
 youth organization for collegiate men in New York City, but soon provided a
 Greek fraternal experience for Jewish men who were otherwise barred from
 admission into other fraternities due to the common sectarian practices of the
 time; and

WHEREAS, since the time of its founding, Zeta Beta Tau has been a leader
 in the interfraternity community; and

WHEREAS, in 1954, all religious and ethnic stipulations were removed from
 the fraternity's policies, and since that time, Zeta Beta Tau has been known as
 the oldest and largest Jewish fraternity with over 50 years of non-sectarian
 Brotherhood; and

WHEREAS, to end hazing practices, Zeta Beta Tau became the first
 fraternity to eliminate pledging, and now offers a comprehensive educational
 program to its undergraduates and alumni brothers; and

WHEREAS, Zeta Beta Tau is represented in Illinois by over 3,200 alumni
 members and successful undergraduate chapters at the University of Illinois,
 Champaign-Urbana, Northwestern University and Monmouth College; and

WHEREAS, Zeta Beta Tau Fraternity will host the annual meeting of its
 membership at the campus of Northwestern University in Evanston, Illinois, July
 26-29, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

July 26-29, 2001, as ZETA BETA TAU FRATERNITY DAYS in Illinois.
 Issued by the Governor June 1, 2001.
 Filed by the Secretary of State June 7, 2001.

2001-349

GULF, MOBILE & OHIO HISTORICAL SOCIETY DAY

WHEREAS, the Gulf, Mobile & Ohio Railroad had a long history of service to
 Illinois dating back to 1847; and

WHEREAS, in 1847, the Alton and Sangamon Railroad was incorporated to
 build a railroad from Alton to Springfield; and

WHEREAS, in 1947 through acquisitions and mergers, the Gulf, Mobile & Ohio
 Railroad emerged as a major railroad connecting the gateways of Chicago,
 Peoria, St. Louis, and Kansas City with the Gulf ports of New Orleans and
 Mobile; and

WHEREAS, in 1972, the Gulf, Mobile & Ohio Railroad ended its corporate
 life, but had provided the State of Illinois with dependable rail freight and
 passenger service; and

WHEREAS, Illinois had the second highest number of track miles per state
 on the Gulf, Mobile & Ohio Railroad; and

WHEREAS, the railroad ran two passenger trains between St. Louis and
 Chicago which have been identified as the ABRAHAM LINCOLN and the ANN RUTLEDGE;
 and

WHEREAS, in 1972 the Gulf, Mobile & Ohio Railroad merged with the Illinois
 Central Railroad, another railroad with strong ties to the State of Illinois,
 and went out of existence; and

WHEREAS, in that same year, the Gulf, Mobile & Ohio Historical Society was
 organized by former employees and railroad enthusiasts in Illinois to continue
 the memory of the Gulf, Mobile & Ohio Railroad; and

WHEREAS, the Gulf, Mobile & Ohio Historical Society has been devoted to
 preserving historical materials related to the Gulf, Mobile & Ohio Railroad and
 facilitating the research of the history and operation of the Gulf, Mobile &
 Ohio and its predecessors; and

WHEREAS, the Gulf, Mobile & Ohio Historical Society have joined together
 to preserve a part of history;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim
 October 13, 2001, as GULF, MOBILE & OHIO HISTORICAL SOCIETY DAY in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.

2001-350

PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY

WHEREAS, paralegals facilitate access to legal services and improve the
 quality of legal services that can be afforded by the citizens of Illinois; and

WHEREAS, the Illinois Paralegal Association promotes and maintains high
 standards in the paralegal profession and offers and encourages continuing
 education for paralegals since 1972; and

WHEREAS, the Illinois Paralegal Association establishes and maintains
 mutually beneficial working relationships with other paralegal organizations
 and with local, State, and national associations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as PARALEGAL/ILLINOIS PARALEGAL ASSOCIATION DAY in Illinois. Issued by the Governor June 5, 2001.
Filed by the Secretary of State June 7, 2001.

2001-351

PRIMARY CARE WEEK

WHEREAS, the American Medical Student Association (AMSA), a 51-year old independent organization, represents nearly 30,000 physicians-in-training at 150 allopathic and osteopathic medical schools; and
WHEREAS, the AMSA Foundation manages the American Medical Student Association's community outreach, research, and innovative educational programming; and

WHEREAS, AMSA seeks to introduce medical and other health profession students to the importance of community-responsive primary care and to encourage their collaboration as members of future health care teams; and
WHEREAS, primary care physicians play a vital role in modern medicine; and
WHEREAS, the American Medical Student Association Foundation is celebrating National Primary Care Week 2001: Healthy People 2010 & Mobilizing Interdisciplinary Teams at nearly every one of the country's medical schools to introduce health profession students to the importance of community-responsive primary care and to encourage their collaboration as members of future health care teams;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 14-20, 2001, as PRIMARY CARE WEEK in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.

2001-352

SOY CAPITAL BANK AND TRUST COMPANY DAY

WHEREAS, in 1955, Walter T. Morey began discussing the formation of a new bank in Decatur, Illinois, and on June 9, 1956, Soy Capital Bank opened its doors for business at 1501 East Eldorado Street; and

WHEREAS, Soy Capital Bank became Soy Capital Bank and Trust Company in January 1970, and in November 1983 the Board of Directors of Soy Capital Bank and Trust approved the formation of multi-bank holding company; and

WHEREAS, from the beginning, the Soy Capital Bank and Trust Company has believed in being a strong community bank with the interest of people in mind, and the directors of the bank have played an active role in their communities and believe strongly in the value of building lasting relationships with people; and

WHEREAS, on December 28, 1999, the Soy Capital Bank and Trust purchased the National City Ag Services Group, increasing its management to 200,000 acres of Illinois farmland, more than any other bank in Illinois and in the top 10 farm management groups nationwide; and

WHEREAS, along with farm management, the Soy Capital Ag Services Group performs real estate brokerage services, farmland appraisals and consultation services; and

WHEREAS, Bob Smith is the President of Soy Capital Bank and Trust, working with Walter T. Morey, who continues to serve as the Chairman of the Board, and

the Board of Directors, which includes Jeffrey S. Black, Carl C. Curry, Dr. Thomas Flynn, Dean E. Madden, Bruce Nims, Joseph Schrodt, M.D., Philip T. Thompson, Frank C. Tyrolt, William P. Shado III, and Robert C. Smith; and
WHEREAS, the Soy Capital Bank and Trust Company is celebrating its 45th anniversary on June 9, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 9, 2001, as SOY CAPITAL BANK AND TRUST COMPANY DAY in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.

2001-353

WOMEN'S BUSINESS DEVELOPMENT DAYS

WHEREAS, the Women's Business Development Center and the Women's Business Enterprise National Council presents Women in Business 2001: Sharing the Vision, WBDC's 15th Annual Entrepreneurial Women's Conference, and WBENC's 2nd Annual National Conference on September 4-6, 2001, at Chicago's Navy Pier; and
WHEREAS, the Women's Business Development Center (WBDC) is a nationally organized nonprofit women's business assistance organization devoted to providing services and programs that support and accelerate women's business ownership and strengthen the impact of women on the economy; and
WHEREAS, the Women's Business Enterprise National Council (WBENC) is dedicated to enhancing opportunities for women's business enterprises. In partnership with the WBDC and women's business organizations throughout the United States, WBENC provides a national standard of certification and serves as the nation's leading third-party certifier of business owned and operated by women; and

WHEREAS, this conference marks the 17th year of the WBDC's commitment to the needs of women entrepreneurs for greater opportunities for success in business ownership and economic empowerment; and
WHEREAS, the WBDC has put forth creative and innovative approaches to empowering women and their families and striving to influence the larger political and economic environment; and
WHEREAS, the WBDC was founded in 1986 by Carol Dougal and Hedy Ratner, and since then more than 35,000 women business owners have used its programs and services, which include counseling, workshops, entrepreneurial training, financial assistance, the Women's Business Enterprise certification program, Child Care Business Initiatives and the Women's Tech and Venture Program; and

WHEREAS, there are now over nine million women-owned businesses in the United States employing over 27.5 million workers, and over 350,000 of those businesses are in Illinois; and
WHEREAS, minority-owned businesses are growing faster than all firms, and one in eight women-owned firms in the United States is owned by a woman of color. Women-owned businesses nationally generate over \$4 trillion in sales, an increase of 161 percent from 1987;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 4-6, 2001, as WOMEN'S BUSINESS DEVELOPMENT DAYS in Illinois.

Issued by the Governor June 5, 2001.

Filed by the Secretary of State June 7, 2001.

2001-354

INTERNATIONAL FESTIVAL OF LIFE DAYS

WHEREAS, Martin's Inter-Culture, Ltd. Is hosting a "Hands of Love" moment of prayer for peace, love, harmony and an end to all forms of crime; and
 WHEREAS, on Thursday, July 5, 2001, between the hours of 10:00 a.m. and 12:15 p.m., thousands of people will gather on their assigned blocks stretching from Dan Ryan at 55th Street, east along Garfield Avenue to South Cottage Street, the site of the International Festival of Life; and

WHEREAS, the objective of the "Hands of Love" is for an end to crime in the State and the rest of the country and a call for zero crime tolerance among and against children, teenagers, young adults, women and other victimized groups; and

WHEREAS, at 11:59 a.m., a Minister of the Gospel at both ends of the chain will start a two minute prayer, which the entire line will pray aloud in their own words until 12:01 p.m., at which time everyone will gather in Washington Park to celebrate "Life and Happiness" at the International Festival of Life; and

WHEREAS, the African/Caribbean International Festival of Life was founded in 1993 by Ephraim M. Martin, a Jamaican born photojournalist and entrepreneur based in Chicago; and

WHEREAS, the International Festival of Life, which runs July 4-8, will feature entertainment, exhibits, crafts, food, and the "Hands of Love" moment of prayer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 4-8, 2001, as INTERNATIONAL FESTIVAL OF LIFE DAYS in Illinois.

Issued by the Governor June 6, 2001.

Filed by the Secretary of State June 7, 2001.

2001-355

YMCA 150TH ANNIVERSARY DAYS

WHEREAS, the year 2001 marks the 150th anniversary of the YMCA movement in the United States and is being commemorated by the YMCAs of Illinois; and

WHEREAS, the YMCA is dedicated to building strong kids, strong families and strong communities; and

WHEREAS, the YMCAs of Illinois reach out to youth and families by offering diverse groups of youth sports leagues, water safety and aquatic programs, teen leadership, youth at-risk programs and parent/child programs; and

WHEREAS, the YMCA serves people of all ages, incomes, and abilities through a wide variety of programs and services designed to meet changing community needs; and

WHEREAS, the YMCA movement in the United States serves nearly 18 million members per year as an organization that is volunteer-founded, volunteer-based and volunteer-led; and

WHEREAS, the YMCAs of Illinois provide programs that offer a spirit of adventure that challenges members to learn new skills, try new activities, and explore other cultures while being good citizens in the community; and

WHEREAS, the YMCAs of Illinois provide parents with high-quality, affordable child care and teens with a safe place to go after school; and

WHEREAS, the YMCAs of Illinois are part of a national movement that serves nine million children per year, is the nation's largest child care provider, serves one in ten teens, and incorporates the values of caring, honesty, respect and responsibility into all of its programs; and

WHEREAS, the YMCA movement has a long history of partnerships with other

community organizations, such as schools, hospitals, and police departments; and

WHEREAS, the 150th anniversary of the YMCA movement celebrates the distinguished history of the organization and benefits that the people of Illinois have enjoyed as a result of the proud tradition of this organization;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28-July 1, 2001, as YMCA 150TH ANNIVERSARY DAYS in Illinois.

2001-356

CHANGE THE WORLD OF A CHILD WEEK

WHEREAS, within the State of Illinois, approximately 30 percent of students suffer from learning delays. These learning delays impair students' progress throughout their educational careers and further impair their abilities to become employed gainfully; and

WHEREAS, the Michael Allen LeGrand Memorial Scholarship and Neuroscience Research Foundation has been established to alter the course of education for the learning delayed population throughout the United States of America; and

WHEREAS, the Foundation is committed to raising funds for scholarships or research treatments for learning delays and the sponsorship of professional development opportunities for those educating the learning delayed; and

WHEREAS, the citizens, businesses and educators, both public and private, of the State of Illinois are called upon to celebrate Change the World of a Child Week in acknowledging and rewarding the efforts of learning delayed children;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-14, 2001, as CHANGE THE WORLD OF A CHILD WEEK in Illinois.

Issued by the Governor June 7, 2001.

Filed by the Secretary of State June 14, 2001.

2001-357

CHICAGO DERMATOLOGICAL SOCIETY DAY

WHEREAS, on February 9, 1901, a group of physicians, with particular interest in diseases of the skin, met informally for dinner at the University Club of Chicago for the purpose of organizing the Chicago Dermatological Society; and

WHEREAS, a constitution and by-laws were written in longhand and adopted by a unanimous vote with the object of the Society to be "the cultivation of dermatology in all its branches"; and

WHEREAS, the Society was founded as a clinical organization whose purpose was the presentation and discussion of cases for the continuing education of the members with the first clinical meeting being held on March 4, 1901, in Dr. James Nevins Hyde's office; and

WHEREAS, the same purpose remains unchanged, and dermatologists in Chicago, Illinois, the Midwest, and the nation have all benefited from the Society membership for the past 100 years; and

WHEREAS, the Chicago Dermatological Society was recognized for continuing education by receiving the Excellence in Education Award by the American Academy of Dermatology; and

WHEREAS, due in part to the continuing education of the Society, the people of Chicago and Illinois have had the highest standard of dermatological

care; and

WHEREAS, the members of the Chicago Dermatological Society will celebrate its 100th anniversary on October 6, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6, 2001, as CHICAGO DERMATOLOGICAL SOCIETY DAY in Illinois.

Issued by the Governor June 7, 2001.

Filed by the Secretary of State June 14, 2001.

2001-358

LIONS CANDY DAY

WHEREAS, Lions of Illinois have spearheaded efforts to protect our citizens against the ravages of blindness and deafness for many years; and

WHEREAS, presently, 24,000 Illinois citizens are blind and 106,000 Illinois residents are deaf or hearing impaired; and

WHEREAS, Lions have expended millions of dollars in recent years for diabetic eye centers, low vision clinics and hearing screenings, camping programs, hearing aid and eyeglass collections, and hundreds of other local programs; and

WHEREAS, on Friday, October 12, 2001, Lions are observing Candy Day, their primary fund-raising event of the year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 12, 2001, as LIONS CANDY DAY in Illinois.

Issued by the Governor June 7, 2001.

Filed by the Secretary of State June 14, 2001.

2001-359

NATIONAL ASSOCIATION MEDICAL STAFF SERVICES WEEK

WHEREAS, the Illinois Association Medical Staff Services consists of a dedicated group of professionals who help protect the consumer from error prone or negligent healthcare providers employed by managed care plans, IPAs, group practices and hospitals; and

WHEREAS, the Illinois Association of Medical Staff Services was founded in 1981 by enthusiastic medical staff service professionals throughout the State to provide professional and personal development, networking opportunities, communication resources, career advancement and education for medical staff services professionals; and

WHEREAS, the Joint Commission on Accreditation of Healthcare Organizations and the National Committee for Quality Assurance require any healthcare facility desiring accreditation to utilize the Illinois Association Medical Staff Services; and

WHEREAS, the Illinois Association Medical Staff Services is celebrating the 25th anniversary of the national organization and the 20th anniversary of the Illinois Association Medical Staff Services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 21-27, 2001, as NATIONAL ASSOCIATION MEDICAL STAFF SERVICES WEEK in Illinois.

Issued by the Governor June 7, 2001.

Filed by the Secretary of State June 14, 2001.

2001-360

SMILES TAG DAYS

WHEREAS, throughout the past 42 years, Little City Foundation has been a nationally recognized leader in providing programs and services for persons with developmental challenges; and

WHEREAS, on October 4-6, 2001, Little City Foundation will hold its annual "Smiles for Little City" Tag Days throughout the State; and

WHEREAS, this annual tradition is made possible through the efforts of hundreds of Illinois residents who unselfishly volunteer their time and effort under the leadership of the Little City Foundation Parent/Family/Guardian Group; and

WHEREAS, the Little City Foundation has remained dedicated to helping individuals reach their full potential and live meaningful and productive lives with dignity and respect; and

WHEREAS, they are ably supported by government, business and labor leaders across the State;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 4-6, 2001, as SMILES TAG DAYS in Illinois.

Issued by the Governor June 7, 2001.

Filed by the Secretary of State June 14, 2001.

2001-361

DR. CURTIS J. KROCK DAY

WHEREAS, Dr. Curtis J. Krock has been practicing medicine for 40 years, spending the last 29 years at Carle Clinic in Urbana, Illinois, where he is a critical care and pulmonary specialist; and

WHEREAS, in addition to his staff responsibilities at Carle Clinic, Dr. Krock is also an associate professor at the University of Illinois School of Medicine; and

WHEREAS, Dr. Krock is a very caring and devoted doctor who makes his patients his number one priority, treating them with the utmost compassion and respect and making free house calls to patients who cannot leave their homes; and

WHEREAS, in January 1998, Dr. Krock was chosen by President Clinton as a "Local Hero" and was among 15 area residents to be recognized by the former President when he came to the University of Illinois; and

WHEREAS, Dr. Krock was listed in *The Best Doctors in America* 1999 edition on the basis of his professional and clinical expertise and named one of the best doctors in the nation; and

WHEREAS, to thank him for his dedicated service and extraordinary care, Dr. Krock is being honored by the community and his colleagues at the Carle Clinic on July 22, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 2001, as DR. CURTIS J. KROCK DAY in Illinois.

Issued by the Governor June 8, 2001.

Filed by the Secretary of State June 14, 2001.

2001-362

FAMILY HERITAGE DAYS

WHEREAS, family heritage is the backbone of today's society, for it allows

us to see where we have been and shapes the way we view the world; and
 WHEREAS, the State of Illinois is richly endowed with historic places, museums and parks that can help us appreciate our family heritage; and
 WHEREAS, more than one hundred of these historic places, museums and parks from all areas of the State are participating in Family Heritage Days on June 23-24, 2001, an event organized by the Illinois Association of Museums and the Illinois Heritage Association, and funded by the Illinois Historic Preservation Agency, Institute of Museum and Library Sciences, and Illinois Department of Commerce and Community Affairs' Bureau of Tourism; and
 WHEREAS, Family Heritage Days will help us to celebrate and preserve our unique, diverse heritage, and visiting one or more of the participating historic places, museums and parks during Family Heritage Days will provide education and enjoyment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23-24, 2001, as FAMILY HERITAGE DAYS in Illinois.

Issued by the Governor June 8, 2001.

Filed by the Secretary of State June 14, 2001.

2001-363

LIMESTONE TOWNSHIP FIRE PROTECTION DISTRICT DAY

WHEREAS, the Limestone Fire Township Fire Protection District began in January 1951 when residents of the township established the District and set up a fund to cover expenses; and

WHEREAS, in 1951, the District trustees purchased a fire engine, and with the help of the town citizens the old town hall was converted into the fire station; and

WHEREAS, in 1957, a new fire station was built and included three truck bays, a meeting room, and a kitchen; and

WHEREAS, after five years of planning, the community and fire department have built a new fire station, which includes six drive-through bays, administrative offices, high tech training facilities, and day crew staff accommodations; and

WHEREAS, the 50th anniversary of the Limestone Township Fire Protection District is being celebrated this year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 2001, as LIMESTONE TOWNSHIP FIRE PROTECTION DISTRICT DAY in Illinois.

Issued by the Governor June 8, 2001.

Filed by the Secretary of State June 14, 2001.

2001-364

MEN'S HEALTH WEEK

WHEREAS, National Men's Health Week is sponsored each year to raise public awareness of the importance of a healthy lifestyle, and of early detection and treatment of health problems affecting men and their families; and

WHEREAS, Illinoisans value their health as well as that of their families and their fellow citizens, making them proud to support observances such as Men's Health Week; and

WHEREAS, the Illinois Department of Public Health is committed to the prevention of illness and to the promotion of good health among all residents of the State; and

WHEREAS, despite advances in medical technology and research, men continue to live an average of seven years less than women, and African-American men have an even lower life expectancy; and

WHEREAS, although prevention is the key to maintaining good health, many men are reluctant to visit their health care provider or physician for regular screening examinations due to such reasons as fear of gender-related health problems, lack of information, and cost factors; and

WHEREAS, each year, thousands of men needlessly die from heart disease, prostate cancer, lung cancer, testicular cancer, diabetes and other health problems even though preventive health checkups and screenings might have detected the early warning signs of these diseases during their treatable stages and extended the lives of these men; and

WHEREAS, screening methods -- including the prostate specific antigen (PSA) exam and blood pressure and cholesterol checks -- in conjunction with clinical examinations and self-exams for problems such as testicular cancer can detect many health concerns in their early stages, thereby increasing survival rates to nearly 100 percent; and

WHEREAS, educating men to recognize and prevent men's health problems is not just a man's issue, since poor health also has an impact on all family members;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 11-17, 2001, as MEN'S HEALTH WEEK in Illinois.

Issued by the Governor June 8, 2001.

Filed by the Secretary of State June 14, 2001.

2001-365

OWASIPPE SCOUT RESERVATION DAY

WHEREAS, A. Stanford White's vision of a camp outside of Whitehall, Michigan, helped create the first Boy Scout camp in the United States, Camp Owaspippe; and

WHEREAS, the Owaspippe Scout Reservation encompasses 5,000 acres in Twin Lake, Michigan, and has developed the character, trained in citizenship and promoted the mental, emotional and physical fitness of scouts from throughout the United States; and

WHEREAS, as the oldest continuously operating camp in the country, Owaspippe stands as a unique monument to boys and the scouting program; and

WHEREAS, Owaspippe Scout Reservation continues to be a premier camping experience which allows youth the opportunity to sail, swim, fish, camp, cook and learn other scout craft skills; and

WHEREAS, for 90 years, approximately half a million boys have camped at Camp Owaspippe; and

WHEREAS, this year marks the 90th anniversary of the Owaspippe Scout Reservation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16, 2001, as OWASIPPE SCOUT RESERVATION DAY in Illinois.

Issued by the Governor June 8, 2001.

Filed by the Secretary of State June 14, 2001.

2001-366

ALZHEIMER'S ASSOCIATION MEMORY WALK DAY

WHEREAS, as the only national fundraiser for Alzheimer's disease, Memory Walk has helped raise money for local Alzheimer Association chapters since its inception in 1989; and

WHEREAS, Memory Walk is held by nearly 200 Association chapters and is attended by more than 150,000 participants across the country; and

WHEREAS, proceeds benefit local chapters, supporting vital programs for people with Alzheimer's disease, their families, and caregivers; and

WHEREAS, Memory Walk is a team effort that grows each year, and while each chapter's Memory Walk is unique, the goal is the same -- to generate funds for the Alzheimer's Association; and

WHEREAS, the Southern Illinois Area Chapter of the Alzheimer's Association is hosting the Alzheimer's Memory Walk September 22, 2001, at the Southern Illinois University, Carbondale Campus Lake; and

WHEREAS, last year, the Southern Illinois chapter raised \$74,542, which benefited 12,000 Alzheimer patients, their caregivers, and family members from 23 Southern Illinois counties;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 22, 2001, as ALZHEIMER'S ASSOCIATION MEMORY WALK DAY in Illinois.

Issued by the Governor June 11, 2001.

Filed by the Secretary of State June 14, 2001.

2001-367

BATON TWIRLING WEEK

WHEREAS, the baton twirling movement has affected the lives of American girls and boys, and now has nearly one-half million active participants; and

WHEREAS, baton twirling has been instrumental in building the confidence and character of these young people, and has provided guidance and training so that they might become better qualified citizens; and

WHEREAS, the art of baton twirling plays an important part in children's hospitals as a unique and effective method of physical therapy; and

WHEREAS, baton twirlers lend so much color and inspiration to our community; and

WHEREAS, champion twirlers from all over the United States will gather at the University of Notre Dame July 24-28, 2001, to conduct a colorful youth pageant called "America's Youth on Parade"; and

WHEREAS, the Grand National Baton Twirling Championships will be conducted as part of the big Notre Dame festival;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22-28, 2001, as BATON TWIRLING WEEK in Illinois.

Issued by the Governor June 11, 2001.

Filed by the Secretary of State June 14, 2001.

2001-368

CHILDREN'S FILM WEEK

WHEREAS, the 18th annual Chicago International Children's Festival (CICFF) will run October 25 through November 4, 2001; and

WHEREAS, during the past 18 years, the Festival has become the foremost festival of children's films in the United States; and

WHEREAS, Facets Multi-Media has received support for the Chicago International Children's Film Festival and other children's programs from

Accelerated Post, American Academy of Pediatrics, American Airlines, Avon, Big Idea Production, Cafe Ba-Ba Reeba!, Carson's Place for Ribs, Cellular One, The Chicago Architecture Foundation, The Chicago Film Office, City Arts, CJ Post, Columbia College, The Conant Family Foundation, The Days Inn Lincoln Park - North, Dr. Graphx, The Lucius & Eva Eastman Fund, The Lloyd A. Fry Foundation, General Cinemas, The Harris Foundation, Heller Financial, Hog Head McDunna's, The Illinois Arts Council, Illinois Film Office, The Illinois Office of Tourism, In-Color Graphics, Jutta and the Hi-Dukes, The Mayer and Morris Kaplan Family Foundation, Kraft-Arts Discovery II, Dr. Carol Meyers, Midwest Graphics Consultants, The Kenneth F. and Hazel G. Montgomery Foundation, Elizabeth Morse Genius Charitable Trust, Nabisco, The National Endowment for the Arts, National Photo Service, NEWSSTALK 89 WLS, The Northern Trust Bank Foundation, The Perillo Foundation, Tom Pitt Photography, The Albert Pick, Jr. Fund, The Polk Bros. Foundation, The Pontikes Foundation, Radio Disney, Rainforest Cafe, Rolling Stock Ltd., ROXX, The Sara Lee Foundation, Scooz!, The Seabury Foundation, Sears Tower Skydeck, William Wood Skinner Foundation, The St. Paul Companies, 3M, UPS, The Variety Club of Illinois, Web Girls, WLS-Radio, WLS-TV, and The WPMR-TV Channel 50 Foundation; and

WHEREAS, receiving over 600 international entries, the Chicago International Children's Film Festival invites over 100 celebrities and filmmakers from around the globe to the Festival each year. Many of these honored guests, as part of the Festival, will lead workshops for the children, which range from question and answer sessions, to hands-on workshops where the children learn about an aspect of filmmaking or animation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 25-November 4, 2001, as CHILDREN'S FILM WEEK in Illinois.

Issued by the Governor June 11, 2001.

Filed by the Secretary of State June 14, 2001.

2001-369

WOMEN'S ADVISORY COMMITTEE DAY

WHEREAS, the National Women's Advisory Committee (NWAC) will be holding its first National Training Conference in Chicago, Illinois, on August 16-18, 2001; and

WHEREAS, over 300 people from across the nation are expected to attend the conference, "Women: United and Diverse"; and

WHEREAS, the NWAC was chartered in 2000 to encompass the Women's Advisory Affairs Committee enrollments and to advise the commissioner of Social Security on issues and concerns affecting women; and

WHEREAS, NWAC is an organization of federal employees, mostly females, who provide information and education on issues of concern to women; and

WHEREAS, the goal of the NWAC is to promote recruitment, training, job enrichment, and upward mobility of women by our government agency, as well as promote women's equal access to programs administered by government agencies, a work environment sensitive to the needs of women, and assist in providing better service to the public; and

WHEREAS, NWAC is committed to making the Social Security Administration a model agency that is culturally diverse and recognizes the value of recruiting, developing and promoting females;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 16-18, 2001, as WOMEN'S ADVISORY COMMITTEE DAY in Illinois.

Issued by the Governor June 11, 2001.
Filed by the Secretary of State June 14, 2001.

2001-370

CHICAGO FED VISITORS CENTER DAY

WHEREAS, The Chicago Fed Visitors Center, the new interactive public space at the Federal Reserve Bank of Chicago, opened to the public on June 28, 2001, at 230 South LaSalle Street in the heart of Chicago's financial district and is being dedicated to the memory of long-time, devoted employee, Nancy Goodman; and

WHEREAS, The Chicago Fed Visitors Center is designed to communicate information and educate visitors, particularly the citizens of the Seventh District, about the Chicago Fed's mission to foster a healthy, growing economy and a sound financial system by setting monetary policy, supervising banks, and providing financial services to banks and the U.S. government; and

WHEREAS, The Chicago Fed Visitors Center is part of the Chicago Fed's commitment to actively meet the needs of its customers and stakeholders by encouraging financial empowerment and helping individuals participate fully in sound, competitive financial markets; and

WHEREAS, The Chicago Fed Visitors Center has enhanced its building to make the Chicago Fed more open and welcoming to employees, customers, and stakeholders, with its investment in the new Visitors Center, a renovated lobby, and art acquisitions; and

WHEREAS, The Chicago Fed Visitors Center assists and supports these goals, and the Bank will complement the Visitors Center with a series of new and existing programs under the banner of Your Chicago Fed, which will not only represent the Bank's clear commitment to public outreach, but will also explain in an entertaining and educational way the Fed's impact on peoples' lives;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as CHICAGO FED VISITORS CENTER DAY in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-371

CHILD SUPPORT AWARENESS MONTH

WHEREAS, Illinois recognizes that our children are our future, and their well-being is our highest priority; and

WHEREAS, the Department of Public Aid, Division of Child Support Enforcement has been given the responsibility of providing child support services to all Illinois families; and

WHEREAS, Illinois recognizes that children need strong family support, and the Illinois Division of Child Support Enforcement works to focus attention on the needs of fathers as well as mothers; and

WHEREAS, the Illinois Division of Child Support Enforcement is working in collaboration with Head Start and Child Care agencies statewide to assure that children receive the emotional and financial support of both parents, their extended families, and their communities so that they can grow up in a nurturing environment; and

WHEREAS, the Illinois Division of Child Support Enforcement is taking the lead in many national child support initiatives to help Illinois families gain

independence; and

WHEREAS, the Department of Public Aid, Division of Child Support Enforcement is working closely with the Departments of Human Services, Public Health and Children & Family Services and other State agencies, as well as community groups to increase the number of children for whom paternity is established;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as CHILD SUPPORT AWARENESS MONTH in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-372

MUSLIM AMERICAN SOCIETY DAYS

WHEREAS, the Muslim American Society of Harvey, Illinois is presenting the first annual Juneteenth New Africa Tribute June 19-24, 2001; and

WHEREAS, the New Africa Tribute recognizes the legacy of some of the most outstanding African-American leaders, including the Reverend Dr. Martin Luther King Jr., W.E. Dubois, Malcolm X Shabazz, Honorable Elijah Muhammed, Marcus Garvey, Harriet Tubman, Sojourner Truth, Booker T. Washington, Clara Muhammad, Frederick Douglass, and George Washington Carver; and

WHEREAS, many well-known leaders, professionals and educators are participating in this historic occasion; and

WHEREAS, Imam W. Deen Mohammed, Muslim American Society Leader, is presiding as Keynote Speaker on the subject "The Need to Strengthen Our Traditional Sense of African-American History and Its Purpose"; and

WHEREAS, the New Africa Tribute offers many different activities, including entertainment, workshops and a cultural night;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19-24, 2001, as MUSLIM AMERICAN SOCIETY DAYS in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-373

PUERTO RICAN DAYS

WHEREAS, the Puerto Rican Parade Committee is celebrating its 35th year of service and commitment to the Puerto Rican community of the State of Illinois; and

WHEREAS, the Puerto Rican community, an important force in the State of Illinois, is a community that enriches Illinois economically, culturally and provides political leadership; and

WHEREAS, the Puerto Rican Parade Committee of 2000-2002, under the leadership of President Efrain Malave, has chosen the theme "Anorando a Puerto Rico" as the Committee undertakes the mission of renovating the headquarters facility known as "La Casa Puertorriquena"; therefore, planting the seed for the development of educational and cultural programs for children of the community; and

WHEREAS, the Fiestas Puertorriquenas, one of the largest ethnic celebrations in the State of Illinois, promotes community cohesion and cultural development; and

WHEREAS, the State of Illinois honors the Puerto Rican Parade Committee

and welcomes the dignitaries who form the official delegation from Puerto Rico and visiting Illinois for the purposes of participating in the different activities of *Fiestas Puertorriqueñas* which will culminate with a stately and colorful parade that takes place on Saturday, June 16 at 12:00 p.m. on Columbus Drive in Chicago, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 16-20, 2001, as PUERTO RICAN DAYS in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-374

THE MONARCH AWARDS FOUNDATION DAY

WHEREAS, The Monarch Awards Foundation of Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc., will host its 19th annual Monarch Awards Gala, "A Tribute to Black Men," in Chicago on Saturday, November 3, 2001; and

WHEREAS, The Monarch Awards Foundation was established in 1988 by Xi Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc. as a tax-exempt organization through which all programs and fundraising efforts are sponsored; and

WHEREAS, all monies raised through fundraising efforts are channeled back into the community for scholarships and donations to not-for-profit organizations; and

WHEREAS, the Foundation is currently implementing programs targeting the areas of Arts, Black Family, Education, Economics, and Health and Leadership Development; and

WHEREAS, The Monarch Gala is sponsored annually by The Monarch Awards Foundation to salute outstanding African-American men in the Chicagoland area whose contributions to their profession, society and mankind have long merited special recognition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as THE MONARCH AWARDS FOUNDATION DAY in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-375

WIC, NUTRITION AND FAMILY CASE MANAGEMENT APPRECIATION WEEK

WHEREAS, the integration of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) with the Family Case Management (FCM) program has improved the health outcomes of women and children in Illinois and has resulted in serving more eligible clients; and

WHEREAS, the primary mission of both programs is to improve the health status of women, infants and children, to reduce the incidence of infant mortality, premature births and low birth weight and to aid in the development of children; and

WHEREAS, the Illinois Department of Human Services' (DHS) Birth Outcome Study, which examined data collected through Cornerstone, matched Illinois birth certificates with Medicaid Program data and highlighted a reduction in the number of premature births and infant deaths for those families that participated in both programs, showing that DHS and its many support programs are making a difference; and

WHEREAS, the study found that women enrolled in both programs had a 50

percent lower infant mortality rate, a 62 percent lower premature birth rate, and were 33 percent less likely to have a low-birth weight infant than women not in the programs; and

WHEREAS, through integration and outreach of these programs, Illinois families are receiving better customer service and are ensured a more efficient delivery of services that is holistic and personal to their needs; and

WHEREAS, as a result of these improved pregnancy outcomes, Illinois is saving lives and reducing Medicaid expenditures, while at the same time serving more eligible participants;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 18-22, 2001 as WIC, NUTRITION AND FAMILY CASE MANAGEMENT APPRECIATION WEEK in Illinois.

Issued by the Governor June 12, 2001.

Filed by the Secretary of State June 14, 2001.

2001-376

DR. ARTHUR M. BRAZIER DAY

WHEREAS, Dr. Arthur M. Brazier entered the U.S. Army during World War II and was discharged with the rank of Staff Sergeant. He also served in the China Burma India Theater of Operations and received as citations, a Good Conduct Medal, the Victory Medal and two Battle Stars for the Central Burma and the North Burma Campaigns; and

WHEREAS, in 1955, while still employed by the U. S. Postal Service as a letter carrier, Dr. Arthur M. Brazier enrolled in the Moody Bible Institute evening school to acquire formal training, and after six years of continuous studies he received his graduating certificate in 1961; and

WHEREAS, between 1960 and 1969, Dr. Brazier founded the Temporary Woodlawn Organization, now known as TWO, and through the years, TWO has become one of the most effective grassroots community organizations in the nation, and a major force for community development on the south side of Chicago; and

WHEREAS, Dr. Brazier emerged as a key civil rights leader in the Chicago area, working directly with Dr. Martin Luther King to protect the rights of Blacks and Hispanics in Chicago; and

WHEREAS, Dr. Brazier is the pastor of the Apostolic Church of God, whose members have grown from 100 to 15,000; and

WHEREAS, during his tenure, Dr. Brazier has led his congregation through two remodeling programs and the construction of two new church buildings, all which helped accommodate his growing membership; and

WHEREAS, Dr. Brazier was invited to serve as visiting instructor at the North Park College and Seminary during the 1969-1970 school year, and his role was to teach the church's role in community organizations; and

WHEREAS, in 1970, Dr. Brazier, in addition to his pastoral work, joined the staff of the center of Community Change, a Washington-based institution that gave technical assistance to community organizations in various parts of the country, and he later became vice president in charge of Major Projects; and

WHEREAS, in addition to his many accomplishments, Dr. Brazier also serves as Chairman of the Board for the Woodlawn Preservation and Investment Corporation and Coordination Council of Community Organizations, Advisory Board member for the U.S. Commission on Civil Rights, member of the Woodlawn Social Service Center, the Woodlawn Mental Health Center, the National Council on

Crime and Delinquency, the Citizen's Advocating Center, and Vice President of the Chicago Conference on Religion and Race, and he currently serves as Commissioner and Treasurer of the Public Building Commission of Chicago; and WHEREAS, Dr. Arthur M. Brazier will celebrate his 80th Birthday on July 13, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim, July 13, 2001, as DR. ARTHUR M. BRAZIER DAY in Illinois.

Issued by the Governor June 13, 2001.

Filed by the Secretary of State June 14, 2001.

2001-377

SIDNEY L. PORT DAY

WHEREAS, Sidney L. Port was born in Chicago, Illinois, on March 7, 1911; and WHEREAS, he attended the University of Illinois and earned a BA degree in 1933, and went on to DePaul University Law School from 1934-1935, where he earned his JD degree; and

WHEREAS, after practicing law for several years and launching a brief publishing venture, Sidney Port entered the automotive parts and distribution industry in 1941 as a purchasing agent and salesman for Lion Auto Parts and Manufacturing Co., where he eventually served as executive vice-president of the firm; and

WHEREAS, in 1952, he founded Lawson Products, Inc., named after the late Victor Lawson, and today the firm is a publicly owned international distributor of expendable maintenance parts and supplies; and

WHEREAS, Sidney has made Lawson a successful company by emphasizing American-made product quality combined with superior customer service; and

WHEREAS, Sidney served as President and Chairman of the Board for the first 25 years, and in 1977, he became Chairman of the Executive Committee; and

WHEREAS, Sidney is highly regarded by all those who are associated with him in business, including Lawson employees, sales agents and suppliers; and

WHEREAS, while successfully building his business, he deepened his commitment to social responsibility by developing a wide variety of non-business interests, including helping youth, giving money to charitable fundraisers, and supporting major medical centers, universities, cultural and art organizations; and

WHEREAS, he has received many awards and much recognition for his continued community involvement, including the Distinguished Alumni Award from DePaul University in 1985, the 1994 "I Will" award by the Central Michigan Avenue Association, the 1997 Distinguished Philanthropist Award from the National Society of Fundraising Executives Chicago Chapter, and an honorary degree in 2000 from Columbia College of Chicago; and

WHEREAS, in 1992, the Port Academic Center opened at the University of Illinois, Chicago's Department of Intercollegiate Athletics to provide athletes advising, tutoring, scheduling assistance, eligibility monitoring, and scholarship support; and

WHEREAS, in honor of all his achievements, successes and dedicated work to the community, Sidney Port is having a street named after him on June 14, 2001, on the corner of Lake Shore Drive and Bellevue Place;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 14, 2001, as SIDNEY L. PORT DAY in Illinois.

Issued by the Governor June 13, 2001.
Filed by the Secretary of State June 14, 2001.

2001-378

THE JOHN HOWARD ASSOCIATION DAY

WHEREAS, the John Howard Association was founded in Chicago in 1901 for the purpose of prison and jail reform and was named for John Howard, the High Sheriff of Bedford County, England; and

WHEREAS, since 1901, the John Howard Association has served the State of Illinois as the State's premier prison watchdog, monitoring, and advocacy organization; and

WHEREAS, the John Howard Association is recognized nationally as one of the oldest and most respected voluntary, non-profit prison reform groups; and

WHEREAS, the John Howard Association has worked with State, county and municipal governments throughout the State of Illinois in advancing humane and effective jails, prisons, lock-ups, and juvenile detention centers; and

WHEREAS, the John Howard Association has advocated in the General Assembly for improved policies, practices, and programs regarding sentencing, alternatives to incarceration, and a variety of program services of residents of correctional facilities; and

WHEREAS, the John Howard Association, since its inception, has been led by a diverse group of dedicated volunteer board members; and

WHEREAS, the John Howard Association has served on a variety of gubernatorial appointed boards and commissions; and

WHEREAS, the John Howard Association has participated in and provided leadership to the Legislative Task Force on Released Offenders; and

WHEREAS, the John Howard Association, on behalf of the citizens of Illinois, closely monitors the expenditure of tax dollars on correctional facilities; and

WHEREAS, the John Howard Association, as a member of the United Way of Metropolitan Chicago, is supported by private dollars from individuals, foundations and corporations; and

WHEREAS, the John Howard Association is celebrating its 100th Anniversary of service to the State of Illinois in 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 27, 2001, as THE JOHN HOWARD ASSOCIATION DAY in Illinois.

Issued by the Governor June 13, 2001.

Filed by the Secretary of State June 14, 2001.

2001-379

WHITE RIBBON AGAINST PORNOGRAPHY CAMPAIGN AWARENESS WEEK

WHEREAS, the U.S. Supreme Court has repeatedly ruled that obscenity is not protected speech under the First Amendment; and

WHEREAS, pornography can inflict tremendous suffering and damage to individuals, families, business districts, communities, and our nation; and

WHEREAS, there are State and federal anti-obscenity laws on the books to protect public safety, public morality, and public health; and

WHEREAS, the obscenity laws are uniquely grounded in community standards; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

October 27-November 3, 2001, as WHITE RIBBON AGAINST PORNOGRAPHY CAMPAIGN

AWARENESS WEEK in Illinois.

Issued by the Governor June 13, 2001.

Filed by the Secretary of State June 14, 2001.

2001-310 (REVISED)

CHILD CARE BUSINESS EXPO 2001 DAY

WHEREAS, the Third Annual Child Care Business Expo, which focuses on the business of child care, will be held on June 23, 2001, in Chicago; and

WHEREAS, the Child Care Business Expo is an unique event that speaks to the heart of child care issues; and

WHEREAS, the Child Care Business Expo is an opportunity for women interested in the child care industry to gain information, resources, and training on various aspects of becoming a child care provider. The Expo includes workshops for new and existing child care providers and an exhibit area for child care resource and support organizations to showcase their programs, products and services; and

WHEREAS, the Women's Business Development Center, a not-for-profit organization dedicated to assisting women start or expand their businesses, launched a major initiative in partnership with Child Care Initiatives of Hull House Association in early 1999 to support women in the child care industry and has assisted over 700 women start or expand their child care businesses; and

WHEREAS, child care is of critical need in our State, and the women who attend the Expo provide service and equality to the families of Chicago, and because the fastest growing segment in the population of Chicago is among Hispanics, the Expo will be presented in Spanish and English; and

WHEREAS, the Expo participants include women interested in the child care industry, as well as current home-based and center-based child care providers;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as CHILD CARE BUSINESS EXPO 2001 DAY in Illinois.

Issued by the Governor June 19, 2001.

Filed by the Secretary of State June 21, 2001.

2001-380

ATOMIC VETERANS REMEMBRANCE DAY

WHEREAS, over 50 years ago, the United States began testing nuclear weapons while the full effects of radioactive fallout on the human body were still unknown; and

WHEREAS, from 1945 to 1962, groups of American Servicemen were exposed to nuclear radiation near atmospheric nuclear test sites, sometimes marching onto ground zero after the all-clear signal, as well as on ships being sent back into radioactive harbors; and

WHEREAS, it is estimated that over 200,000 American Servicemen were subjected to unknown levels of radiation as well as an additional 195,000 members of our Armed Forces as part of the occupation of Hiroshima and Nagasaki were also placed at radiation risk; and

WHEREAS, we now know that extreme sacrifices their service engendered, and like troops wounded on the battlefield, they too have been wounded by the array of lethal medical conditions that sometimes take as long as 30 years to appear; and

WHEREAS, July 16, 2001, marks the birth of the Atomic Age with the 56th

anniversary of Trinity Shot, the first atomic detonation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 16, 2001, as ATOMIC VETERANS REMEMBRANCE DAY in Illinois.

Issued by the Governor June 14, 2001.

Filed by the Secretary of State June 21, 2001.

2001-381

CAREER AND TECHNICAL ORGANIZATIONS WEEK

WHEREAS, the proper education of today's youth is a concern of all Americans; and

WHEREAS, career and technical student organizations are dedicated to the advancement of proper education, training and development of America's youth; and

WHEREAS, for than 23 years, organizations such as the Illinois Coordinating Council for Career and Technical Student Organizations (ICCCTSO) have advanced the awareness of the importance and technical student organizations as an integral part of the educational curriculum; and

WHEREAS, career and technical student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Illinois Association of Family, Career and Community Leaders of America (FCCCLA), Health Occupations Students of America (HOSA), Illinois Association of FFA, Illinois Association of DECA, Illinois Postsecondary Agricultural Student Organizations (PAS), Phi Beta Lambda, Illinois Association of SkillsUSA-VICA, and Technology Student Association (TSA);

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 7-13, 2001, as CAREER AND TECHNICAL ORGANIZATIONS WEEK in Illinois.

Issued by the Governor June 14, 2001.

Filed by the Secretary of State June 21, 2001.

2001-382

GERALD M. SULLIVAN DAY

WHEREAS, Gerald M. Sullivan is the Business Manager of the Chicago Journeymen Plumbers' Local Union 130, which represents approximately 5,300 union plumbers in the Chicago area; and

WHEREAS, throughout the years, he has subscribed to the American ideal of hard work, supplemented by a strong education; and

WHEREAS, Gerald Sullivan earned a bachelor's degree from DePaul University and a master's degree from Governor's State University; and

WHEREAS, starting with his apprenticeship in 1957, he has been active in the plumbing industry and the union movement for more than 40 years; and

WHEREAS, for 16 years, he worked as a teacher, helping educate thousands of apprentice plumbers; and

WHEREAS, before assuming the top job of Business Manager, Gerald Sullivan served on Local 130's Examining Board and was Secretary-Treasurer from 1984 to 1990; and

WHEREAS, Gerald Sullivan is one of Chicago's most respected labor leaders, and his advice has been sought by numerous government and civic organizations; and

WHEREAS, he was a member of Mayor Daley's Gaming Commission, Mayor Washington's Central Library Advisory Committee, and serves on the executive

boards of the Chicago Federation of Labor and the Chicago and Cook County Building Trades Council; and

WHEREAS, Gerald Sullivan is currently a sitting commissioner on the Chicago Park District Board and the Northeastern Illinois Planning Commission, and serves as chairman of eight employee benefit funds, the General Chairman of the St. Patrick's Day Parade Committee of Chicago, Vice-President of the Irish Fellowship Club, and the Board of Directors of the Amalgamated Bank of Chicago; and

WHEREAS, Gerald Sullivan is receiving the Man of the Year Award at the Coalition for United Community Action's 29th Annual Unity Testimonial Awards Banquet on Saturday, June 23, 2001; and

WHEREAS, he is recognized for his many years of outstanding leadership and dedication, his industry-wide respect, and service to the city, State, and nation above and beyond the call of duty;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as GERALD M. SULLIVAN DAY in Illinois.

Issued by the Governor June 14, 2001.

Filed by the Secretary of State June 21, 2001.

2001-383

QUARLES & BRADY DAY

WHEREAS, Wilson & McIlvaine was one of the original law firms in Chicago, Illinois, having commenced the practice of law in 1867; and

WHEREAS, Wilson & McIlvaine merged with QUARLES & BRADY LLP on February 1, 1999, thereby ensuring a continuation of more than a century-long legacy of commitment to the City of Chicago and the State of Illinois; and

WHEREAS, throughout this 134-year period, QUARLES & BRADY and its predecessor firm have enjoyed an outstanding reputation for the highest quality legal services to their clients and the communities they serve; and

WHEREAS, QUARLES & BRADY has committed, and will continue to commit, substantial investment in, and provide legal services to, the citizens of the City of Chicago and the State of Illinois; and

WHEREAS, it is vital to the State of Illinois that professional institutions which have had a long-standing exemplary and profound impact on the communities they serve be encouraged to continue and be recognized for continuing their commitment to their employees, the State of Illinois, and the communities they serve; and

WHEREAS, the Chicago office of QUARLES & BRADY will be hosting the firm's annual meeting for its over 450 attorneys from its offices throughout the country on July 13-14, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 14, 2001, as QUARLES & BRADY DAY in Illinois.

Issued by the Governor June 14, 2001.

Filed by the Secretary of State June 21, 2001.

2001-384

FESTA ITALIANA DAYS

WHEREAS, thousands of Italian Americans have been living in Illinois for generations and have contributed much to the progress and development of the State; and

WHEREAS, Festa Italiana will be a celebration of Italian folk dancing, singing entertainment, crafts, and food and will include a Bocce tournament; and

WHEREAS, Chair Brad Messina has announced that the year 2001 marks the 23rd anniversary of the Festa Italiana. The theme of the Festival is "The Colors and Tastes of the Italian Marketplace"; and

WHEREAS, Festa Italiana will be held at Boylan Catholic High School grounds; and

WHEREAS, the Italian community of Rockford, Illinois, will celebrate with the largest ethnic festival in Northern Illinois on August 3-5, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3-5, 2001, as FESTA ITALIANA DAYS in Illinois.

Issued by the Governor June 18, 2001.

Filed by the Secretary of State June 21, 2001.

2001-385

KEITH KESLER DAY

WHEREAS, Keith Kesler, farmer, manager and president of Champaign County Fair, has been involved with the Fair for 60 years; and

WHEREAS, starting as a ticket taker at age 16, Keith has been in charge for 36 years; and

WHEREAS, Keith is known on a State and national level for his expertise, dedication, organization and management skills; and

WHEREAS, Keith was selected "Illinois Fair Person of the Year" and was awarded certification as a Certified Executive by the International Association of Fairs and Expositions; and

WHEREAS, as a presenter and contributor to the International Association of Fairs and Expositions for the past 38 years, Keith has bestowed his expertise and love for youth enrichment on a new generation of fair management; and

WHEREAS, Keith has served the Illinois Department of Agriculture in Advisory Board positions; and

WHEREAS, besides his involvement with the fair, Keith has served his church and community and held numerous elected positions; and

WHEREAS, for the last 29 years, Keith has served the Illinois Association of Agricultural Fairs with distinction; and

WHEREAS, Keith's "labor of love" and devotion to the fair industry have made him known and respected by legislative leaders during his quest for increased funding of County Fairs in Illinois; and

WHEREAS, Keith is a devoted husband, father, grandfather and accomplished farmer who is recognized as Champaign's Farm Family of the Year and Prairie Farmers "Master Farmer";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 25, 2001, as KEITH KESLER DAY in Illinois.

Issued by the Governor June 18, 2001.

Filed by the Secretary of State June 21, 2001.

2001-386

BURNELL D. KRAFT DAY

WHEREAS, Burnell D. Kraft was born in Chester, Illinois, and attended

Chester High School. He went on to further his education at Southern Illinois University, graduating with a Bachelor of Science degree; and

WHEREAS, during his school years, he worked in a family-owned dairy, and is presently a part owner and vice president of Chester Dairy Company; and

WHEREAS, in 1956, he joined Tabor & Co., becoming vice-president in 1959, executive vice-president in 1961, and president in 1970, a position that he continues to hold today; and

WHEREAS, from 1976 to 1986, Burnell Kraft held the position of president for Smoot Grain Company, a subsidiary of ADM Company, and from 1980 to 1984, he was president of Archer Daniels Midland International S.A. (ADMISA); and

WHEREAS, Burnell Kraft continued to acquire leadership positions throughout his career, serving as president of Collingwood Grain Company (1989-1994); group vice-president for Grain and Oilseed Merchandising and Hedging (1994-1997); and senior vice-president, Archer Daniels Midland Company (1997-present); and

WHEREAS, Burnell Kraft belongs to numerous professional memberships, including the Chicago Board of Trade, the Chicago Mercantile Exchange, the National Grain and Feed Association, and the National Feed Grain Council; and

WHEREAS, he served as past director for the Metro Decatur Chamber of Commerce, the Decatur Club, and Decatur Memorial Hospital, and has served as Trustee of Millikin University for four years, is currently a Director of Toepfer International GmbH and serves on the Board of Directors of the United Grain Growers, Canada; and

WHEREAS, in 1998, Burnell Kraft received Southern Illinois University's Distinguished Alumni Award, and in March 2001, he was awarded the Grain and Elevator Processing Society Industry Leader Award; and

WHEREAS, this year, Burnell Kraft will celebrate 45 years with Archer Daniels Midland Company;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 23, 2001, as BURNELL D. KRAFT DAY in Illinois.

Issued by the Governor June 19, 2001.

Filed by the Secretary of State June 21, 2001.

2001-387

Y.P.W.W. DEPARTMENT YOUTH DAYS

WHEREAS, the 63rd Annual Y.P.W.W. Department Youth Congress of Northern Illinois Jurisdiction Church of God In Christ was held June 4-8, 2001; and

WHEREAS, Y.P.W.W. Department President Edwin M. Walker has done an excellent job helping the youth in the community and giving them a feeling of self-worth, while simultaneously instilling in them Christian beliefs; and

WHEREAS, Church of God In Christ is a not-for-profit religious organization consisting of several congregations in the city of Chicago and surrounding suburbs; and

WHEREAS, the church has caused many men, women, boys, and girls to seek, receive, and exemplify a higher level of moral and spiritual conduct;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 4-8, 2001, as Y.P.W.W. DEPARTMENT YOUTH DAYS in Illinois.

Issued by the Governor June 21, 2001.

Filed by the Secretary of State June 28, 2001.

2001-388

MARJORIE A. FEENEY DAY

WHEREAS, Marjorie A. Feeney has served Seguin Services in different capacities over the years, including serving on the Board of Directors from 1988-1997, during which she served as Vice President and Secretary; and

WHEREAS, she has served on a variety of Board Committees, which include the Program Committee, Awards Committee Co-Chair, Education and Training Committee Chair and the Personnel Committee Chair; and

WHEREAS, while serving on the Program Committee, she worked tirelessly to ensure the highest quality of service in Seguin's community employment, training, and residential programs for adults and the children's foster care program; and

WHEREAS, due to her leadership in the area of programs and services, Seguin vastly expanded services to many new adults and initiated services to children in the foster care program; and

WHEREAS, she faithfully attended open houses for homes that were initiated during her service on the Board of Directors, graciously greeting visitors, including neighbors, local officials and representatives of funding entities; and

WHEREAS, to honor Marjorie for her dedication and commitment to Seguin Services, the Volunteer of the Year Award has been named after her so that her legacy will remain through the Marjorie A. Feeney Volunteer of the Year Award; and

WHEREAS, Marjorie A. Feeney is being honored at the Seguin Services Annual Meeting and Awards Dinner on June 28, 2001, and is the recipient of the 2001 President's Award;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 28, 2001, as MARJORIE A. FEENEY DAY in Illinois.

Issued by the Governor June 26, 2001.

Filed by the Secretary of State June 28, 2001.

2001-389

NEW FREEDOM BAPTIST CHURCH DAY

WHEREAS, the New Freedom Baptist Church in Belleville, Illinois, is celebrating its 6th anniversary on Sunday, July 1, 2001; and

WHEREAS, Pastor William Morris Means leads the New Freedom Baptist Church in their spiritual growth and faith; and

WHEREAS, members of the church have been actively involved in statewide activities such as Neighbors United for Progress Community Housing Development Organization, Village Investment Project, One Church One Child, St. Louis Area Food Bank Feeding Program, and the Get Out the Vote Drive; and

WHEREAS, the New Freedom Baptist Church offers outreach programs, training to enhance learning and growing, arts and recreation activities and weekly services that provide worship, praise and prayer;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 1, 2001, as NEW FREEDOM BAPTIST CHURCH DAY in Illinois.

Issued by the Governor June 26, 2001.

Filed by the Secretary of State June 28, 2001.

2001-390

COVENANT OF PEACE MINISTRIES DAY

WHEREAS, established on May 12, 1901, as a religious corporation, Covenant of Peace Ministries, formerly known as Peace Church of Bellwood, is the oldest Protestant church in Bellwood; and

WHEREAS, the original founders of the church were German immigrants who felt led by God to establish a church in Bellwood that would meet the specific cultural needs of the community at that time; and

WHEREAS, the church has undergone many transitions over the past 100 years, including changing from a predominantly German-American congregation to a predominantly African-American congregation; and

WHEREAS, the church's denomination has transitioned from Evangelical Free to United Church of Christ, and most recently to a non-denominational status; and

WHEREAS, Covenant of Peace Ministries partners with various community and educational institutions to serve the needs of the community and add to the quality of life of its members; and

WHEREAS, in celebration of 100 years of service to the Proviso Township community, particularly the Village of Bellwood, Covenant of Peace Ministries has planned a centennial celebration banquet on Sunday, July 15, 2001;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 15, 2001, as COVENANT OF PEACE MINISTRIES DAY in Illinois.

Issued by the Governor June 27, 2001.
Filed by the Secretary of State June 28, 2001.

2001-391

KOREAN AMERICAN ASSOCIATION OF CHICAGO DAY

WHEREAS, the Korean American Association of Chicago (KAAC) was organized in 1962 as a human service agency to provide various assistance to new Korean immigrants adjusting to the new way of life in the United States; and

WHEREAS, the KAAC has been recognized as the leading umbrella social service organization in the Korean American community by promoting the interest of Korean American communities in the Chicagoland area; and

WHEREAS, the purpose of the KAAC is to represent and promote the interests and rights of the Korean American community, assist newly arrived immigrants adjusting to new cultural and social environment and strengthen the Korean American community through advocacy and education; and

WHEREAS, the KAAC has been focused on education issues for the second generation of Korean Americans to instill in them a sense of national identity, dignity and pride; and

WHEREAS, the KAAC is celebrating its 39th anniversary and the 25th anniversary of their inauguration ceremony;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 2, 2001, as KOREAN AMERICAN ASSOCIATION OF CHICAGO DAY in Illinois.

Issued by the Governor June 27, 2001.
Filed by the Secretary of State June 28, 2001.

2001-392

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

WHEREAS, according to a 1996 study by the C.D.C. 16 percent of 6

million-plus pregnancies ended in either a miscarriage or a stillbirth. That is almost one million prenatal losses. Of those 6 million plus pregnancies, 62 percent (3,720,000) ended in live births, and 26,784 of those births ended in infant deaths from 11 months and younger. This does not reflect the 22 percent who are lost to abortion; and

WHEREAS, the availability of information and support is of the utmost importance to families who suffer from Pregnancy and Infant Loss to better help them cope; and

WHEREAS, a public that is informed and educated about pregnancy and Infant Loss can better learn how to respond with compassion to affected families; and WHEREAS, professionals who come in contact with families who have suffered Pregnancy or Infant Loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses, and employers, can better serve families if they have special training and better knowledge of Pregnancy and Infant Loss; and

WHEREAS, Pregnancy and Infant Loss Remembrance Day, October 15, 2001, is set aside to remember all of the pregnancies and infants lost in order to heal and be comforted in a time of pain and heartache, and to have hope for the future;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 15, 2001, as PREGNANCY AND INFANT LOSS REMEMBRANCE DAY in Illinois.

Issued by the Governor June 28, 2001.
Filed by the Secretary of State July 5, 2001.

2001-393

SIGN LANGUAGE INTERPRETER AWARENESS MONTH

WHEREAS, there are about 986,648 deaf and hard of hearing people in Illinois; and

WHEREAS, statewide, interpreters provide hundreds of thousands of hours of interpreting service every year; and

WHEREAS, interpreting enables deaf, hard of hearing and hearing people to communicate effectively in a wide range of situations: hospitals, schools, businesses, government offices, courts, police departments, theaters, museums, parks and many other settings; and

WHEREAS, the need to create an awareness of the interpreting profession is imperative because the need for qualified interpreters exceeds the supply;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2001 as SIGN LANGUAGE INTERPRETER AWARENESS MONTH in Illinois.

Issued by the Governor June 28, 2001.
Filed by the Secretary of State July 5, 2001.

2001-394

UNITED PRESBYTERIAN CHURCH OF NEOGA DAY

WHEREAS, the United Presbyterian Church of Neoga will celebrate 150 years as a congregation on July 22, 2001; and

WHEREAS, on April 5, 1851, the Presbyterian Church of Long Point was formed near the pioneer community of Long Point; and

WHEREAS, in 1854, the Presbyterian Church of Long Point relocated to the new town of Neoga and became the First Presbyterian Church of Neoga; and

WHEREAS, in 1857, a different branch of the church developed in Long

Point; and

WHEREAS, in 1866, the two branches decided to unite; and
WHEREAS, in 1901, the present church building was dedicated in the presence of dignitaries and a large crowd; and

WHEREAS, many members of the United Presbyterian Church of Neoga have been community leaders and have been involved in various community and fraternal organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 2001, as UNITED PRESBYTERIAN CHURCH OF NEOGA DAY in Illinois.

Issued by the Governor June 28, 2001.

Filed by the Secretary of State July 5, 2001.

2001-395

ROSEMARY MULLIGAN DAY

WHEREAS, Rosemary Mulligan was first elected to the General Assembly in 1992, and her commitment, service and leadership to her community has been instrumental in her many accomplishments; and

WHEREAS, Rosemary Mulligan has been a strong advocate for a women and families including her success in passing health-care legislation that impacts women in particular, and the Great START program, which assists in our children's preschool education; and

WHEREAS, Rosemary Mulligan has worked on numerous gun control measures including the Safe Neighborhoods Act and Truth in Sentencing Bills; and

WHEREAS, Rosemary Mulligan is active on a number of legislative committees including, Appropriations & Human Services, Children and Youth, Health Care Availability and Access, Human Services, and Registration and Regulation; and

WHEREAS, Rosemary Mulligan was named 1996 Legislator of the Year by both the Illinois Association of Community Mental Health Agencies and the National Council on Problem and Compulsive Gambling; and

WHEREAS, Rosemary Mulligan was profiled in *Today's Chicago Woman* as one of the "One Hundred Women Making a Difference", in 1997; and

WHEREAS, Rosemary Mulligan was a program chair of the White House Women's Economic Leadership Summit and in 1999 she was part of a 24-member delegation representing the United States at "Women in the New Economy: The Downing Street Summit", held in England and Northern Ireland;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 30, 2001, as ROSEMARY MULLIGAN DAY in Illinois.

Issued by the Governor June 29, 2001.

Filed by the Secretary of State July 5, 2001.

2001-8

AMENDMENT TO EXECUTIVE ORDER 2 (2001) ON CREATING THE ENERGY CABINET

WHEREAS, the State of Illinois has great resources, including coal and water, and infrastructure that must be utilized to support energy generation growth in an environmentally sound manner; and

WHEREAS, due to recent problems experienced by other states relating to energy generation, it is imperative that we have ample energy generation available in the State of Illinois; and

WHEREAS, that there are many energy-related decisions made at the state level, including investments, permitting and regulatory approval, that must be coordinated; and

WHEREAS, the State of Illinois needs to coordinate the matching of energy companies, to the extent feasible, who are looking to locate in Illinois, with communities that are willing to host generating plants.

THEREFORE, I, George H. Ryan, Governor of Illinois, hereby amend Executive Order Number 2 (2001) as follows:

The Energy Cabinet shall have the additional responsibilities specifically related to the Illinois Resource Development and Energy Security Act, and related provisions:

1. The Energy Cabinet shall assist the State with developing investment strategies and priorities for clean coal and energy projects in the State; and
2. The Energy Cabinet shall hold an Energy Summit prior to May 1, 2002, and shall bring together those persons that wish to build generating capacity in Illinois and communities that wish to host plants. The Cabinet will encourage the groups to make presentations and network with each other. The Cabinet specifically shall solicit the identification of locations suitable for the development of new generation capacity in each region, identification of communities willing to host new generation and shall identify financial incentives available to coal mining companies and generators who are building new capacity in Illinois. The Cabinet will also encourage any unit of local government interested in hosting an electric generating plant to make or accommodate the making of infrastructure improvements and expedite, where possible, zoning and planning; and
3. On or about July 1, 2002, the Cabinet shall submit a report to the Governor and the General Assembly summarizing the findings of the Energy Summit and any recommendations for action; and
4. The Cabinet shall assist the Illinois Department of Commerce and Community Affairs ("DCCA") and other state agencies, with developing strategies to promote environmentally responsible use of Illinois coal for meeting electric power supply requirements in Illinois; and
5. The Cabinet shall work with Illinois Environment Protection Agency to study the NOx Trading Program and possible strategies that allow the transfer of ozone season NOx credits from the transportation and area source sectors of the Illinois State Implementation Plan Call, NOx budget to the electric generating unit sector for the purpose of offsetting emission increases associated with new plant projects; and
6. The Cabinet shall study the availability in Illinois of natural

resources such as coal and groundwater. The Cabinet shall also study the feasibility of establishing a north-south corridor for the construction of a new electric transmission line from southern Illinois to the dense electric load centers in the northern part of the State. That study shall include:

- a. the evaluation of alternative routes for a transmission corridor;
 - b. estimates of the amount of right-of-way needed for the transmission corridor;
 - c. estimates of the cost of acquiring property for the transmission corridor;
 - d. the potential zoning problems related to designing the corridor;
 - e. cost of building the transmission line and substation; and
 - f. the potential for upgrading existing transmission lines for additional capacity; and
7. The Cabinet member agencies shall, to the extent permitted by Federal and State law, expedite permitting and regulatory approval for Clean Coal and Energy Projects and related mine projects. The Cabinet shall also oversee the coordination of those permit decisions and regulatory approvals; and
8. The Cabinet may also seek the advice and ad hoc participation of other State departments, agencies, boards and commissions, members of the Illinois General Assembly, public interest groups, and private organizations, as necessary and appropriate.

EFFECTIVE DATE

This Executive Order Number 8 (2001), shall be effective upon filing with the Secretary of State.

Issued by the Governor May 25, 2001.

Filed with the Secretary of State May 30, 2001.

2001-9

AMENDMENT TO EXECUTIVE ORDER NUMBER 7 (2000) WHICH CREATED THE GREEN ILLINOIS COMMUNITIES DEMONSTRATION PROGRAM

WHEREAS, Executive Order Number 7 (2000) established the Green Illinois Communities Demonstration Program; and

WHEREAS, as part of the Green Illinois Communities Demonstration Program, the Illinois Environmental Protection Agency is directed and authorized to enter into partnership agreements with three communities; and

WHEREAS, the Green Illinois Communities Demonstration Program will better benefit the State of Illinois by allowing the Illinois Environmental Protection Agency to enter into partnership agreements with a greater number of communities; and

NOW, THEREFORE, BE IT RESOLVED that I, George Ryan, by virtue of the power vested in me as Governor, do hereby amend Executive Order Number 7 (2000) as follows:

1. Paragraph number one of the Order is amended to read as follows:

1. The Illinois EPA, in cooperation with the Illinois Department of Natural Resources, Illinois Department of Agriculture, Illinois Department of Commerce and Community Affairs and the Illinois Waste Management and Research Center, is directed and authorized to enter into partnership agreements with communities in the state that wish to build their capacity

to protect the environment while enhancing community well-being.

Paragraph number two of the Order is amended to read as follows:

2. In selecting communities to participate in this demonstration program, the Illinois EPA shall ensure participation by communities of different sizes and characteristics. The program shall, to the greatest extent practicable, advance the following broad principles of sustainability: restoring critical ecosystems; achieving a cleaner, healthier environment; protecting and enhancing wildlife habitat and natural areas; using energy, water and other resources efficiently; reducing reliance on non-renewable resources, expanding environmental awareness and creating quality, prosperous communities. For the purposes of this program, the term "community" can mean one or more local governments, a neighborhood within a large city, an appropriately-scaled watershed or some other specific geographic area with which people identify or share common interests.

Paragraph number four of the Order is amended to read as follows:

4. Upon selection for participation in the Green Illinois Communities Demonstration Program, the community shall receive the following benefits: financial support to facilitate planning and outreach-related programs, technical support in identifying and assessing community environmental conditions; timely notice, priority consideration and expedited review for state funding initiatives; technical, networking and peer-to-peer informational assistance; and assistance in seeking and leveraging federal and private sector funding sources. The Illinois EPA shall administer the Green Illinois Communities Demonstration Program, including but not limited to any financial support provided to communities under the program.

4. All other provisions of the Order remain in full force and effect.

EFFECTIVE DATE

This Executive Order Number 9 (2001) shall be effective upon filing with the Secretary of State.

Issued by the Governor June 29, 2001.

Filed with the Secretary of State June 29, 2001.

